

April 1, 2009

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON APRIL 1, 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
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

WORK SESSION

Supervisor O’Keeffe gave a brief update on the status of the Federal Stimulus package and funding through Congresswoman Nita Lowey’s Office.

Preliminary Plans- Construction of Sanitation Commission Building

The Board reviewed a feasibility analysis of the alternatives for constructing a permanent building; including cost analysis including apportionment for Town and Village, schematic designs and an estimated project time line. The Board questioned some of the specific costs and asked Mr. Altieri to clarify them with Calgi Construction. Given the high price of the project the Board would like Mr. Altieri to investigate using prefabricated buildings. Mr. Altieri felt that the cost would probably not change by any significant amount, given that major modifications would have to then be made to the prefabricated building. The Board emphasized the need to get all the cost reduced.

Memorial Park – Master Plan

The Board reviewed the proposal from H M White Site Architects for preparing a conceptual master plan for Memorial Park. The Board is continuing to review this project as well as ideas for alternative proposals.

Washington Square Parking Proposal

The Board reviewed the comments, recapped by Mr. Altieri, from the Parking Committee Meeting of March 25th. The Board discussed the Parking Plan proposals in preparation for the discussion during the Regular Board Meeting.

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Scarsdale 'strip' Residents on Mamaroneck Town Line

Supervisor O'Keeffe, stated that she was contacted by Scarsdale 'strip' residents regarding their taxes. They may appear this evening to make a statement. The Board will have information for a scheduled meeting with this group for the next Town Board meeting.

Training Zoning Board of Appeals Members

The Board noted there was confusion regarding the scheduled date for the training. An alternate date of April 23rd was discussed.

On motion of Councilwoman Wittner, seconded by Councilman Fishman, the Board unanimously agreed to enter into Executive Session to discuss a lease negotiation.

EXECUTIVE SESSION

Lease Negotiation

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

Town Assessor

Supervisor O'Keeffe gave a brief update on her recent meeting with the Village of Larchmont regarding the Village of Larchmont's position with respect to the Village's adoption of the Town Assessment roll.

The Board also noted the need for further meetings with the Villages of Larchmont and Mamaroneck regarding revaluation.

CALL TO ORDER

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

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Memorial Tribute - Former Supervisor Christine Helwig
MEMORIAL TRIBUTE TO CHRISTINE K. HELWIG
FORMER SUPERVISOR OF THE TOWN OF MAMARONECK

- 1969-1975 Served as First Woman Town Supervisor in Westchester County · Died March 14, 2009 in CT. – Would have been 96 years old in June
- “quality of her performance and the intensity of her dedication” (Phyllis’ quote)
- Public Service was her life – outstanding citizenship – good government – dedication to environmental conservation (ahead of her time)
- 1934 Received her B.A. from Vassar College followed by graduate work at New York University
- 1936 Married Edward Helwig
1941 Moved to the Town of Mamaroneck
Daughters Christa and Marymina (Minka) went to Chatsworth, Murray, Mamaroneck Junior High School and Mamaroneck High School
- 1943-1949 Involved in school activities from Chatsworth PTA Parent Education Chairman, helped to create a library at Chatsworth and continued to volunteer there as a librarian, Chairman of the Community Institute, President of the Larchmont-Mamaroneck Parent-Teacher Council and served as its Publications Chairman, Edited the Chatsworth Avenue Newspaper – “Chat” – and assisted with art hobby for 2 years.
- 1947-1958 Very active in the Larchmont Camp Fire Girls
- 1949-1959 Served on the Board of Education Highlight – Worked with Westchester County on a “Land and Outdoor Facility Study” – encouraged Westchester County to deed surplus lands to the Town for municipal and

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park and recreational use. With strong community support and that of the Supervisor and town Board, 54 acres of these lands which were completely natural were to be devoted to park and recreational use. Ultimately this led to the creation of the Sheldrake and Leatherstocking Trails, which we enjoy today.

Held Leadership Positions in:

- Boy Scouts of America
- Conservation Advisory Committee/Commission
- Cross County Land Study Committee
- Coastal Zone Management Commission
- Environmental Management Council
- Friends of the Reservoir
- Local Involvement for Environment
- Mamaroneck High School
- Town of Mamaroneck
- Village of Larchmont

After Retirement Very active in English Group Dancing – Was busy teaching and running dance groups – founded schools in “country dancing” locally and also in New Haven, CT.

Councilwoman Wittner, spoke warmly of the many contributions Ms. Helwig made to Town Conservation, adding the Town’s publication A History of Conservation speaks specifically about her many accomplishments.

Lee Bloom, who served as Councilman for the Town, spoke as a colleague and a friend of Ms. Helwig, reflecting on her many personal qualities. He valued the experience of working with such a wonderful woman.

PUBLIC HEARINGS – Amendment to the Special Permit, FCD Mamaroneck, LLC

The following notice of Public Hearing was entered into the record:

**NOTICE OF PUBLIC HEARING
AMENDMENT TO SPECIAL PERMIT FCD MAMARONECK LLC**

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on April 1, 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 amending the Special Permit issued by the Town Board to FCD Mamaroneck LLC.

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The full text of the amended permit 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: March 21, 2009

Mr. Maker gave an overview and history of the FCD Mamaroneck, LLC project with respect to the sale of land on Byron Place and the construction of the parking deck. Mr. Maker's memo states 'that if the Parking Deck is not substantially completed by April 14, 2009, the time by which the developer must submit its plans and obtain its building permit is shortened. The Special Permit will expire if the developer does not meet those time lines (which are in the year 2011).' The Board has before them documents that retain this feature, but push back the date for substantially completing the deck to May 15, 2009. Mr. Maker added the rationale for pushing back the target date is that the Town insisted the developer not pour concrete on days when the weather was consistently below 40 degrees, or allow the addition of anti-freezing agents to the concrete.

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

Ester Alpert, 14 North Chatsworth, Doug Bloom, 22 Myrtle Blvd and David O'Connor 172 Myrtle Blvd, asked questions of the Board.

Written Comments of Brian Lobel were entered into the record.

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

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

RESOLUTION APPROVING THE THIRD AMENDMENT TO
THE SPECIAL PERMIT ISSUED BY THE TOWN BOARD TO
FCD MAMARONECK, LLC ON OCTOBER 18, 2006

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Whereas, on October 18, 2006, the Town Board adopted a resolution wherein it issued a Special Permit to FCD Mamaroneck, LLC for the construction of a mixed-use development in the area generally bounded by Madison Avenue, Byron Place and Maxwell Avenue in the Town of Mamaroneck, subject to the conditions and requirements contained in the Town Board's October 18, 2006 resolution ("Special Permit"), and

Whereas, on April 2, 2008, the Town Board adopted a resolution whereby it granted the First Amendment to the Special Permit, and

Whereas, on November 5, 2008, the Town Board adopted a resolution whereby it granted the Second Amendment to the Special Permit, and

Whereas, on February 27, 2009, FCD Mamaroneck LLC transferred title to the real property on which the mixed-use development that is the subject of the Special Permit to Byron Place Associates, LLC and

Whereas, Byron Place Associates, LLC has asked the Town Board to amend the Special Permit to extend the Target Date for the substantial completion of the Parking Deck from April 14, 2009 to May 15, 2009, and

Whereas, at its meeting held on April 1, 2009, the Town Board conducted a public hearing on the request by Byron Place Associates, LLC to extend the Target Date, and

Whereas, at the public hearing all persons wishing to be heard were given an opportunity to address the Town Board either orally or in writing, and

Whereas, the public hearing was closed on April 1, 2009, and

Whereas, the Town Board finds:

(a) since the Town will be responsible for maintaining the Parking Deck after it is completed and all warranties have expired, the administration acted properly when it insisted that anti-freezing agents not be added to concrete and that the concrete for the Parking Deck not be poured unless the temperature in Mamaroneck was at least 40° F, and

(b) due to persistently cold weather during the 2008-2009 winter, the temperature in Mamaroneck was not consistently at least 40° F on a sufficient number of days to allow for the concrete to have been poured, and

(c) as a result of the cold weather and the Town's position regarding the pouring of concrete, the Target Date of April 14, 2009 cannot be met,

BE IT RESOLVED that since the request by Byron Place Associates, LLC does not call for any physical change in the mixed-use development or in the Parking Deck but only asks that the date by which the Parking Deck must be substantially completed be extended by thirty (30) days, the Town Board determines (a) that the petition by Byron Place Associates, LLC does not need to be referred to the Planning Board and (b) that the Town Board, as Lead Agency, need not make any additional or supplemental findings under the State Environmental Quality Review Act before acting upon this application for a third amendment to the Special Permit; and

BE IT FURTHER RESOLVED that a third amendment to the Special Permit is granted in that Paragraph 14 of the Town Board's October 18, 2006 resolution is deleted and the following is substituted in its place:

“14) Expiration of this Special Permit

A) This Special Permit shall expire automatically if the Applicant (a) does not submit a complete application for a building permit for the construction of the Mixed-Use Development on or before April 18, 2011 or (b) does not obtain such building permit on or before October 18, 2011.

B) If construction of the Parking Deck is not substantially completed (meaning that the Parking Deck is at a stage of construction that allows at least 118 automobiles to be parked in Parking Lot #3) by the Target Date which is May 15, 2009 (to be extended by one day for each day that there is a delay beyond the reasonable control of the Applicant, including delays caused by the Town, governmental restrictions, governmental preemption, strikes, labor disputes, lockouts, shortages of labor and materials, enemy action, terrorist action, civil commotions, riots, insurrection, fires that are not the result of the negligence of the Applicant or its contractors and acts of God) but is substantially completed before the Town awards a bid for the Awarded Work, the date by which the Applicant must submit a complete application for a building permit for the construction of the Mixed-Use Development and the date by which the Applicant must obtain such building permit before this Special Permit expires shall be two (2) days sooner than the dates set forth in paragraph 14 A) for each day from the first day after the Target Date to the day that the Town confirms that the Parking Deck and the other work required to be done at Parking Lot #3 have been constructed in accordance with the requirements of this Resolution. [Example: The Town confirms that the Parking Deck is substantially complete on June 1, 2009. That day is 17 days after May 15, 2009 --- the Target Date. The date by which the Applicant must submit a complete application for a building permit for the construction of the Mixed-Use Development is now March 12, 2011 and the date by which the Applicant must obtain such building permit is now September 11, 2011].

C) If the date for substantial completion of the Parking Deck is extended for any of the reasons contained in paragraph 14 B) hereof, the date by which the Applicant must submit a complete application for a building permit for the construction of the Mixed-Use Development and the date by which the Applicant must obtain such building permit shall be extended by one day for each day that there is a delay beyond the reasonable control of the Applicant, including delays caused by the Town, governmental restrictions, governmental preemption, strikes, labor disputes, lockouts, shortages of labor and materials, enemy action, terrorist action, civil commotions, riots, insurrection, fires that are not the result of the negligence of the Applicant or its contractors and acts of God.

D) If construction of the Parking Deck is substantially completed prior to the Target Date, the date by which the Applicant must submit a complete application for a building permit for the construction of the Mixed-Use Development and the date by which the Applicant must obtain such building permit before this Special Permit expires shall be extended beyond the dates set forth in paragraph 14 A) by one (1) day for each day

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between the day that the Town confirms that the Parking Deck and the other work required to be done at Parking Lot #3 have been constructed in accordance with the requirements of this Resolution and the Target Date. [Example: The Town confirms that the Parking Deck is substantially complete on April 30, 2009. That day is 15 days prior to May 15, 2009 --- the Target Date. The date by which the Applicant must submit a complete application for a building permit for the construction of the Mixed-Use Development is now May 3, 2011 and the date by which the Applicant must obtain such building permit is now November 2, 2011].

E) No building permit for the construction of this Mixed-Use Development shall be issued unless prior to or contemporaneous with its issuance, a building permit for the construction of the Parking Deck shall have been issued.

F) Any building permit issued for the construction of this Mixed-Use Development can be revoked if, in the opinion, of the Director of Building Code Enforcement and Land Use Administration, the construction of the Parking Deck is not being carried on diligently.”, and

BE IT FURTHER RESOLVED that all of the paragraphs of the October 18, 2006 resolution granting the Special Permit, all of the paragraphs of the Town Board’s April 2, 2008 resolution granting the First Amendment to the Special Permit and all of the paragraphs of the Town Board’s November 5, 2008 resolution granting the Second Amendment to the Special Permit (including the recital paragraphs appearing in those resolutions) that have not been deleted or amended by this resolution are reconfirmed and shall remain in full force and effect, and

BE IT FURTHER RESOLVED that the Town Administrator is authorized to execute the proposed **THIRD AMENDMENT TO THE CONTRACT OF SALE** on behalf of the Town, and

BE IT FURTHER RESOLVED, that this resolution shall take effect only if FCD Mamaroneck, LLC executes the proposed **THIRD AMENDMENT TO THE CONTRACT OF SALE** thereby acknowledging that its obligation to construct the Parking Deck in accordance with (i) the Special Permit issued by the Town Board on October 18, 2006 as that Special Permit has been amended on April 2, 2008, on November 5, 2008 and by this resolution and (ii) the Contract of Sale between the Town of Mamaroneck and FCD Mamaroneck, LLC made as of January 2007, as that contract has been amended by the First Amendment to the Contract of Sale made as of April 11, 2008 and the Second Amendment to the Contract of Sale made as of June 20, 2008 is not altered, relieved or discharged in any way by this resolution, and

BE IT FURTHER RESOLVED, that unless the proposed **THIRD AMENDMENT TO THE CONTRACT OF SALE** is executed by Byron Place Associates, LLC and FCD Mamaroneck, LLC and delivered to the Town Administrator on or before April 14, 2009, this resolution shall be of no force and effect, and

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Town Administrator or other duly authorized person (i) shall cause this resolution to be filed in the office of the Town Clerk and (ii) shall cause a copy thereof to be sent by first-class

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mail, telefax or electronic mail to Byron Place Associates, LLC and FCD Mamaroneck, LLC and to all agencies which are considered either an interested or an involved agency under the regulations promulgated by the New York State Department of Conservation pursuant to the State Environmental Quality Review Act.

THIRD AMENDMENT TO THE CONTRACT OF SALE

This amendment ("Third Amendment") made as of April 1, 2009, is between the TOWN OF MAMARONECK, a municipal corporation duly organized and existing under the laws of the State of New York, having its principal place of business at 740 West Boston Post Road, Mamaroneck, New York 10543 ("Seller"), BYRON PLACE ASSOCIATES, LLC with an office at 2 Greenville Road, Katonah, New York 10536 ("Byron") and FCD MAMARONECK LLC, a New York limited liability company with an office located at 1775 Broadway, Suite 701, New York, New York 10019 ("Assignor").

Recitals

Whereas, the Seller and the Assignor entered into a Contract of Sale made as of January 2007, a First Amendment to the Contract of Sale made as of April 11, 2008 ("First Amendment") and a Second Amendment to the Contract of Sale made as of June 20, 2008 ("Second Amendment") for the sale by the Seller to the Assignor of all that certain piece or parcel of land described on Exhibit A annexed to the Contract consisting of approximately 5,550 square feet lying and being in the Town of Mamaroneck, County of Westchester and State of New York designated as Block 132, Lot 300.2 on the official tax map of the Town of Mamaroneck and located on the east side of Byron Place, and

Whereas, construction of the Parking Deck (see paragraph 1 of the First Amendment for definition) commenced on or about July 14, 2008 and has proceeded diligently since work began, and

Whereas, under the Contract of Sale, the First Amendment and the Second Amendment (collectively, "Contract"), the date by which the Parking Deck is to be substantially complete is referred to as the Target Date (see paragraph 1 of the First Amendment for definitions), and

Whereas, the Target Date is April 14, 2009 or the date to which substantial completion of the Parking Deck is extended due either to Unavoidable Delays or the need to remediate contamination or a combination of both, and

Whereas, to assure the quality of construction, the Seller refused to allow anti-freezing agents to be added to concrete and insisted that the concrete for the Parking Deck not be poured unless the temperature in Mamaroneck was at least 40° F, and

Whereas, due to persistently cold weather during the 2008-2009 winter, the temperature in Mamaroneck was not consistently at least 40° F on a sufficient number of days to allow for the concrete to have been poured, and

Whereas, as a result of the Seller's insistence, the Parking Deck cannot be substantially completed by April 14, 2009, and

Whereas, on February 27, 2009, the Assignor assigned its rights under the Contract to Byron, and

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Whereas, on April 1, 2009, the Seller resolved to amend the Contract to extend the Target Date to May 15, 2009.

Now, therefore, intending to be bound, the parties agree to the following:

I. Amendment. The Second Amendment is amended as follows:

The definition of "Target Date" contained in paragraph 1 of the First Amendment is deleted in its entirety and the following is substituted in its place:

"Target Date" means May 15, 2009 or the date to which substantial completion of the Parking Deck is extended due either to Unavoidable Delays or the need to remediate contamination or a combination of both.

II. Assignor's Continuing Obligation.

The Assignor agrees that nothing contained herein shall relieve it of its obligation to construct the Parking Deck in accordance with (i) the Special Permit issued by the Town Board on October 18, 2006 for a mixed-use development in the area generally bounded by Madison Avenue, Byron Place and Maxwell Avenue in the Town of Mamaroneck, as that Special Permit has been amended on April 2, 2008, November 5, 2008 and April 1, 2009 and (ii) the Contract and the Third Amendment.

III. Representations and Warranties.

A. The Seller represents to Byron and the Assignor that the Seller has the full right, power and authority to enter into and fully perform its obligations under the Third Amendment and the person signing the Third Amendment on behalf of the Seller is authorized to do so. These representations are true on the date the Seller signs the Third Amendment and will be true on the date of the Closing. These representations shall survive the delivery of the Deed.

B. Byron represents to the Seller and the Assignor that Byron has the full right, power and authority to enter into and fully perform its obligations under the Third Amendment and the person signing the Third Amendment on behalf of Byron is authorized to do so. These representations are true on the date Byron signs the Third Amendment and will be true on the date of the Closing. These representations shall survive the delivery of the Deed.

C. The Assignor represents to the Seller and Byron that the Assignor has the full right, power and authority to enter into and fully perform its obligations under the Third Amendment and the person signing the Third Amendment on behalf of the Assignor is authorized to do so. These representations are true on the date the Assignor signs the Third Amendment and will be true on the date of the Closing. These representations shall survive the delivery of the Deed.

III. Counterparts.

The Third Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which when taken together shall constitute one and the same contract.

IV. Severability.

If any one or more of the provisions contained in the Third Amendment shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and the Third Amendment shall be

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construed as if such invalid, illegal or unenforceable provision had never been contained herein.

V. Restatement of the Contract, the First Amendment and the Second Amendment.

All of the provisions of the Contract that have not been deleted or amended by the Third Amendment shall remain in full force and effect and shall continue to be part of the Contract.

In Witness Whereof, this Third Amendment has been duly executed by the Parties hereto the day and year first above written.

The above resolution was put to a roll call vote:

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

TAKEN OUT OF ORDER

ORAL COMMUNICATIONS

Angela Mason, 29 Doris Lane addressed the Board regarding taxation for the Town of Mamaroneck residents that fall within the Scarsdale School district. Over the past two years, their school tax has increased 24% versus the Scarsdale resident school tax increase of 6%. The group of residents of whom she is speaking on behalf of have met with Assemblyman George Latimer, who in turn is meeting with the Office of Real Property Service (ORPS).

Mr. Cohen, 12 Wagon Wheel Road, encouraged the Board to speak with ORPS on their behalf in favor of a special segment assessment.

Supervisor O'Keeffe noted to Ms. Mason that the Town Board is preparing information for a meeting with the residents at the next Town Board meeting.

The written comments of Ms. Mason were received by the Town Clerk and entered into the record.

Ruth Campanelli, Larchmont Gardens' Civic Association, had comments for the Board regarding pick up of organic material. She feels the Town's change in policy has led to confusion among residents as well as a proliferation of organics being mistakenly left at curb side. She encouraged the Board to be more proactive in getting the word

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out on the new policy, specifically something attached to the organic refuse alerting the homeowner as to why it was not picked up.

AFFAIRS OF THE TOWN (taken out of order)

1. Adoption – Washington Square Parking Plan/Town Parking Lot Fees

Mr. Altieri gave an overview of the proposed parking plan for the Washington Square area and the Commuter Parking. On March 25th the Washington Square Parking Committee met to discuss the proposed parking plan and fees that the Board discussed at its March 18th Work Session. A number of issues continue to be discussed and addressed with comments by the following residents:

Leah Lenney, 14 North Chatsworth, Joe Windman, 14 North Chatsworth, John Irving, 14 North Chatsworth, Ron Fass, 14 North Chatsworth, Peter Simone, DDS.

The Board will take all comments under advisement and will readdress the parking plan at its next meeting. Mr. Altieri noted that due to the time frame for the re-permitting of the Commuter Lot; these fees should be addressed this evening.

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the parking fees for Commuter Lot # 1, as follows:

Daytime Permit, one permit, one car	\$500.00 per year
Daytime Permit one permit, two cars	\$510.00 per year
Meter Parking, one permit, one car	\$ 50.00 per year, plus .75 per hour meter fee
Meter Parking, one permit two cars	\$ 60.00 per year, plus .75 per hour meter fee

The above resolution was put to a roll call vote:

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

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O’Keeffe and on motion of Commissioner Wittner, 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 Wittner presented fire claims for authorization of payment, thereafter on Commissioner Fishman’s motion, seconded by Commissioner Seligson, 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.	Scott Pack Repair	806.38
AAA Emergency Supply Co.	Scott Pack Repair	447.38
Cablevision	Cable Service	82.33
Carrot-Top Industries	Flag, Halyard, Snaphook	131.44
IKON	Monthly Copier Service	212.13
Motorola Inc.	Beeper Repair	78.00
Poland Springs	Drinking Water	75.94
R & L Consulting	Quicken 2009 Software	75.15
Town of Mamaroneck P.F.F.A.	Life Ins. Premium March 2009	220.08
Verizon	Telephone Service	387.32
W.J.W.W.	Water Service	254.91
Winzer Corp.	Supplies	40.00
<hr/>		
	Total:	2,811.06

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. Other Fire Department Business

Commissioner Wittner presented the Fire Report, as submitted by Chief McCarthy as follows,

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<u>ALARM TYPE</u>	<u>NUMBER</u>
Generals	23
Minors	11
Stills	0
Out of Town (Mutual Aid)	1
EMS	20
Drills	2
TOTAL	57

Total Number of personnel responding: 687
 Total Time working: 24 hours & 43 minutes

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

AFFAIRS OF THE TOWN

2. Report of Bids – TA-09-03A Grass Maintenance – Cemeteries & Various Locations

The report of bids is entered into the record as Attachment A

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

RESOLVED, that the Mamaroneck Town Board does hereby award the Contract # TA-09-03A Grass Maintenance – Cemeteries and Various Locations, to the lowest responsible bidder, Gennaro Bianco Landscaping of Mamaroneck, New York, for the years 2009 and 2010, for a total amount of \$22,000.00.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keefe	Aye

3. Authorization – Auditor Retainer Agreement - Bennett Kielson

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the revised retainer agreement with the Auditor Bennett Kielson Storch & DeSantis’ Government Services Division of O’Connor, Davies, Munns & Dobbins, LLP, for the years ending December 31, 2008, 2009, 2010, as follows:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
Basic Fee	\$52,500	54,000	55,700
Section 8 program	2,250	2,300	2,400
Single Audit (A-133) – 1 Program	3,950	4,050	4,200

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Si (Aye)
Odierna	Aye
Wittner	Abstain
O’Keefe	Si (Aye)

4. Authorization – New York State Snow and Ice Agreement

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On motion of Councilwoman Wittner, seconded by Supervisor O’Keeffe, the following was unanimously approved,

WHEREAS, the Town of Mamaroneck conducts snow and ice control on both the Boston Post Road and Weaver Street which are roadways owned by the State of New York, and

WHEREAS, in consideration of the Town’s snow and ice control activity, the State reimburses the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the agreement for the years 2007/2008, 2008/2009 and 2009/2010, with the New York State Department of Transportation for snow and ice control activity for the 9.1 lane miles of State road at a rate of \$1,145.00 per mile, for a yearly total of \$10,500.00.

5. Authorization – Westchester County Prisoner Transportation Agreement

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

WHEREAS, under the requirements of the New York State Statute, County governments are responsible for the transportation of prisoners from local jurisdiction to a County correctional facility, and

WHEREAS, Westchester County has contracted with local municipalities to transport prisoners using local police departments through a reimbursement agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the renewal agreement for the years 2009 and 2010 for the transportation of prisoners to the County correctional facility in Valhalla at a round trip rate of \$183.19 for the year 2009 and \$190.52 for the year 2010 and reimbursement for mileage at the rate of \$.585 cents per mile, and

BE IT, FURTHER

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

6. Authorization – Westchester County Vehicle Agreement

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

WHEREAS, the Town has been operating a 25-passenger partransit bus under a lease agreement with Westchester County for \$1.00 a year, and

WHEREAS, Westchester County is now prepared to transfer ownership of the bus to the Town for \$1.00.

NOW THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the agreement to complete the transfer of ownership for the 1999 Ford paratransit bus to the Town of Mamaroneck, and

BE IT, FURTHER

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

The above resolution was put to a roll call vote:

Fishman	Aye	
Seligson	Ne	(Aye)
Odierna	Aye	
Wittner	Aye	
O’Keeffe	Ita	(Aye)

7. Approval of Certiorari

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:

April 1, 2009

The above resolution was put to a roll call vote:

Fishman	Aye	
Seligson	Yao	(Aye)
Odierna	Aye	
Wittner	Aye	
O'Keefe	Hai	(Aye)

8. Salary Authorization – Recreation

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

Spring Hockey

Thomas Greason	Instructor	\$20.00 per hour	effective retroactive to 3/21/09
Greg Tevere	Instructor	\$17.00 per hour	effective retroactive to 3/21/09
Joseph Carducci	Assistant Instructor	\$7.50 per hour	effective retroactive to 3/21/09
Bryce Lobel	Assistant Instructor	\$7.50 per hour	effective retroactive to 3/21/09

Recreation Office

Eileen Puleo	Pre Camp Assistant	\$12.00 per hour	effective 4/1/09
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Memorial Park Tennis Courts

Frank Commrade	Maintenance Aide	\$10.00 per hour	effective retroactive to 3/25/09
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The above resolution was put to a roll call vote:

Fishman	Aye	
Seligson	Da	(Aye)
Odierna	Aye	
Wittner	Aye	
O'Keefe	Ja	(Aye)

APPROVAL OF MINUTES – March 18, 2009

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

April 1, 2009

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board minutes from the meeting of, March 18, 2009.

SUPERVISOR'S REPORT

Supervisor O'Keeffe noted she has been very busy with the Westchester Joint Water Works, specifically with the Department of Health in Albany.

REPORT OF COUNCIL

Councilman Odierna reminded residents of the upcoming 'Coffee with George and Judy' at the Nautilus Diner on April 4th.

Councilwoman Wittner noted the Larchmont Library presented a low budget with no cuts in services, adding they were very cooperative. They did raise late fees from 5 cents to 10 cents a day for overdue books.

Councilwoman Seligson attended the Planning Board Meeting, noting the attendance of the new Alternate Member Robert Viner, and thanked him for joining as Alternate Member.

Councilman Fishman took this opportunity to recognize the many Mamaroneck High School athletes who have been recruited to play college sports. He read from a very impressive list of 29 athletes and the schools they will be attending.

ADJOURNMENT

On motion of Supervisor O'Keeffe, seconded by Councilwoman Wittner the meeting was unanimously adjourned at 11:30 PM.

Submitted by
Christina Battalia, Town Clerk