

April 21, 2009

**MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON APRIL 21, 2009, BEGINNING AT 4:00 PM IN CONFERENCE ROOM A, CONTINUING AT 8:15 IN THE COURT ROOM OF THE TOWN, 740 W. BOSTON POST ROAD, MAMARONECK, NEW YORK**

**PRESENT AT WORK SESSION:**

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

**ALSO PRESENT:**

Stephen V. Altieri, Town Administrator  
William Maker, Jr., Town Attorney

**ABSENT UNTIL 5:00PM:** Christina Battalia, Town Clerk

**WORK SESSION**

Judy Raab, representing the Larchmont Gazette, was present.

The following items were discussed before the Town Clerk arrived at the meeting:

Washington Square Parking Plan  
Gardens’ Lake

Overnight Parking – Mountain Ave

The Board would like to do a site visit and return to this item at their next Work Session

Property Assessments – Scarsdale ‘Strip’

The following representatives from New York State Office of Real Property Services (ORPS) were present, as was Susan Thomas the Town Assessor:

Lee Kyriacou, Executive Director  
John Wolham, Regional Director  
John Petrino, Real Property Analyst 2

The discussion involved the taxation of Town of Mamaroneck residents, who by property location, are within the Scarsdale School System. Due to the large tax increases in the last two years residents are questioning the formula used to determine the apportionment of the Scarsdale School budget in the Town of Mamaroneck.

The ORPS representatives gave the Town Board an explanation of how a special equalization rate would work with the potential advantages and disadvantages to the residents.

A number of residents entered the meeting:

Robert Rifkin, 7 Stonewall Lane  
Edward Ludwig, Wellhouse Close  
Angela Mason, 7 Stonewall Lane  
Richard Cohn, 20 Wagon Wheel

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All parties present discussed at length the present situation, possible options and potential outcomes. As follow up the ORPS representatives will run a tax analysis for a segmented assessment to help the residents make an informed decision as to how they should proceed.

**CALL TO ORDER**

The Regular Meeting of the Town Board was called to order by Supervisor O’Keeffe at 8:25 PM she then pointed out the location of exits.

**PRESENT:**

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

**ALSO PRESENT:**

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

**ABSENT:**

Councilwoman Nancy Seligson

Supervisor O’Keeffe gave an overview of the items discussed during this evening’s Work Session.

**RECOGNITION CEREMONY**

Members of the Fire, Police and Ambulance Departments were present for the award ceremony having to do with the water rescue at the Larchmont/Mamaroneck Reservoir.

Fire Chief, Sean McCarthy explained that on the morning of February 16, 2009, a resident was at the Reservoir with a dog who was not on a leash. The dog entered the frozen ice and fell through. The dog owner went in after the dog and fell through the ice as well. Fire, Police and Ambulance services were successful in rescuing both owner and dog.

The Board praised the Departments and all the individuals involved, adding the importance of keeping dogs on their leashes.

Supervisor O’Keeffe gave the following individuals Recognition Awards:

Kris Mueller  
Alexander Rapp  
Bruce Fonseca  
Gustavo Torres  
Peter Primrose  
Josh Schwartzbaum  
Michael Liverzani  
Michael Downes  
Suzanne DeBaun  
William Maier  
James Maher  
Matthew Peloso  
Andrew Siano  
Dennis Delborgo  
Paul Tororella  
Peter Aquilino

**PROCLAMATION**

Councilman Odierna read the following Proclamation

**ARBOR DAY TREE CITY U.S.A. AWARD**

**WHEREAS,** April 25, 2009, marks the eighteenth (18<sup>th</sup>) year the Town of Mamaroneck has been recognized as a Tree City U.S.A. by the National Arbor Day Foundation; and

**WHEREAS,** The Tree City U.S.A. Award indicates that the Town of Mamaroneck takes its tree-care responsibilities seriously with an effective community forestry program; and

**WHEREAS,** Trees make a world of difference in our communities. Trees have long been recognized for the beauty and value they lend to homes, neighborhoods, parks and business areas. At the same time, those trees conserve energy, help clean the air, protect rivers and streams, and provide a home for wildlife in our towns and cities.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that I, Valerie Moore O’Keeffe, Supervisor, and the members of the Town Council of the Town of Mamaroneck, urge all citizens to participate in programs and activities designed to furthering the establishment of trees in our community.

**IN WITNESS WHEREOF,**

I have hereunto set my hand and caused the seal of the Town of Mamaroneck to be affixed this 15th day of April 2009.

**TAKEN OUT OF ORDER**

**DISCUSSION - Washington Square Parking Plan**

Supervisor O’Keeffe gave an overview of the many meetings and discussions that have taken place with the residents of Washington Square and the Parking Committee. She emphasized the Town has worked extremely hard to create a fair and workable plan for as many people as possible.

Mr. Altieri gave a description of the modified parking plan, adding discussion of the implementation of a residential parking district will be deferred until legislation is passed.

The Parking Plan is as follows:

24 Hour Parking Lot # 3 - \$ 600.00

24 Hour Senior Rate Lot # 3 - \$ 480.00

Handicap Parking - Of the 118 parking spaces in the parking deck, there will be 4 to 5 designated handicapped spaces on the upper parking level.

24 Hour Parkers will have the option to pay in two installments. There will be an additional \$ 35.00 fee charged for this option of payment.

Overnight Parking Lot # 2 & Lot # 4 - \$300.00

Area Business Lot # 3 - \$400.00

Area Business Lot # 4 - \$ 50.00, plus long term meter fee

On-street 3 hour meters, Myrtle Blvd & No Chatsworth Ave - 8:00AM – 6:00PM, No Parking from 3:00AM thru 5:00AM.

The following residents addressed the Board:

Maud Tarrant, 17 No Chatsworth Ave  
Bruce Bennett, 17 No Chatsworth Ave  
Ron Faas, 14 No Chatsworth Ave  
Ester Albert, 14 No Chatsworth Ave  
Resident, 14 No Chatsworth Ave  
Ted Bayless, 17 No Chatsworth Ave  
Residnet, 16 No Chatsworth Ave  
Julie Chateauvert, 17 No Chatsworth  
Mina Immerman, 17 No Chatsworth  
Herbert Heller, 14 No Chatsworth Ave  
Jonathan Lang, 14 No Chatsworth Ave  
Claudia Yusada, 14 No Chatsworth Ave  
Terry Schwartzman, 14 No Chatsworth  
Bonnie Yougswick, 17 No Chatsworth Ave  
Gjoko Inc., 176 Myrtle Blvd  
Jim Sullivan, 17 No Chatsworth  
Pam Fields, 17 No Chatsworth Ave

In summary, most of the comments regarding parking had to do with the removal of designated parking spaces, increased costs, especially to the Seniors and the issuing of Area Business parking permits in the new Parking Deck.

The Board stated it believes it has addressed many of the concerns voiced by the residents', emphasizing that this parking plan was created through the work of the Town's consultant, the Parking Committee and the many hours of hard work by the Town staff.

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

**RESOLVED**, that the Mamaroneck Town Board does hereby approve the Parking Fees for the Town Parking Lots #2, #3, #4 - 24 Hour, Area Business and Overnight Parking, as follows:

24 hour Parking Lot # 3 - \$ 600.00  
24 hour Senior Rate Lot # 3 - \$ 480.00  
Overnight Parking Lot # 2 & Lot # 4 - \$300.00  
Area Business Lot # 3 - \$400.00  
Area Business Lot # 4 - \$ 50.00, plus long term meter fee

The above resolution was put to a roll call vote:

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

On a lighter note, Councilman Odierna read a poem he had written for the Library "read-a-loud" entitled Space.

#### **BOARD OF FIRE COMMISSIONERS**

The meeting was called to order by Commissioner O'Keeffe and on motion of Commissioner Wittner, seconded by Commissioner Odierna, 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: David J. Fishman

Absent was the following Commissioner:

Commissioner: Nancy Seligson

**1. FIRE CLAIMS**

Commissioner Wittner presented fire claims for authorization of payment, thereafter on Commissioner Wittner’s motion, seconded by Commissioner O’Keeffe, 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:

2434 CW Corp.	2 Car Washes	\$11.00
AAA Emergency Supply Co.	Helmet Repair	220.38
AAA Emergency Supply Co.	Hydrotest/Bottle	197.00
AAA Emergency Supply Co.	Service & Repair 2 Scott Packs	537.51
AAA Emergency Supply Co.	Cutters Edge Chain Repair	141.27
AAA Emergency Supply Co.	Nozzle Repair	59.50
Avaya	Service Contract	66.81
Avaya	Power System Maint.	18.55
Brendan Collins	Reimb. For Supplies	195.49
Brewer Hardware	Supplies to repair Ladder 19	42.86
Brewer Hardware	Supplies to repair Ladder 19	39.78
High Tech	Turn Out Repairs	37.20
Sound Shore Contracting	Hot Water Repair	301.30
Technical Electronics Inc.	12 Portable Batteries	812.00
Town of Mamaroneck FD	Reimb. OSHA Training-8 F.F.'s	209.92
Verizon Wireless	Telephone Service 2/27-3/26/09	293.52
Villa Maria Pizza	Food for Colation Training-4/4/09	69.86
Villa Maria Pizza	Food for colation Training-3/26/09	52.42
Westech Elevator	Elevator Maintenance for April '09	175.00
W.J.W.W.	Water 12/31/08-3/31/09	100.00
Winzer Corp.	Supplies	35.00
Witmer Public Safety Group	True North Drop Bags (2)	33.98
<b>Total:</b>		<b>\$3,639.35</b>

The above resolution was put to a roll call vote:

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

**2. Other Fire Department Business**

Commissioner Wittner read the Fire Report for the month of March 2009, as submitted by the Fire Chief as follows:

March 2009

<b>ALARM TYPE</b>	<b>NUMBER</b>
Generals	26
Minors	15
Stills	0
Out of Town (Mutual Aid)	0
EMS	16
Drills	2
<b>TOTAL</b>	<b>59</b>

Total number of personnel responding: 774  
 Total time working: 20 hours and 34 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. Authorization – Lease Agreement – Veterans of Foreign War**

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

**WHEREAS, the Town will be the exclusive tenant of the Veterans of Foreign Wars (VFW) Building which provides continuity for the Town Senior Program, and**

**WHEREAS, over the next five years the Town will make capital improvements to the heating system, air conditioning system and replacement of the roof over the large meeting room at an estimated cost of \$45,000; and**

**WHEREAS, The Town will assume responsibility for the day to day maintenance and utility costs of the building and will control the activities of the caretaker; and**

**WHEREAS, the Town may use the building for senior citizens, recreational and nutritional activities, and**

**WHEREAS, the term of the lease is fifteen (15) years, with rental payment of \$2000 per month for the first five years, \$2500 for the second five, then in the third five years rising to \$3,000, for the leasing of 4500 square feet, and**

**WHEREAS, on Monday, April 13, 2009 the members of the VFW unanimously approved the lease agreement,**

**NOW THEREFORE, BE IT**

**RESOLVED that the agreement between the Town of Mamaroneck and the Veterans of Foreign Wars be hereby approved, and**

**BE IT FURTHER**

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**RESOLVED** that the Town Board does hereby authorize the Town Administrator to execute the lease agreement on behalf of the Town.

The above resolution was put to a roll call vote:

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

**2. Authorization – Hommocks Ice Rink Study**

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

**WHEREAS**, in March of 2008 the Town Board authorized a consulting agreement with ISP Consultants of Minnesota, for a study of the Hommocks Ice Rink, and

**WHEREAS**, the Town cancelled the contract due to a number of problems with the consultant, and

**WHEREAS**, funding for this project has been set aside in the Capital Fund.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Mamaroneck Town Board does hereby approve the agreement with Ward Associates, P.C. for a Hommocks Ice Rink Feasibility Study for the sum of \$17,500, 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	Absent
Odierna	Aye
Wittner	Aye
O'Keefe	Aye

**3. Authorization – Engineering Services – Baldwin Avenue Pump Station**

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

**WHEREAS**, the control panel for the Baldwin Avenue sewage pump station built in 1988 must be replaced, and

**WHEREAS**, the Town has been unsuccessful in receiving grant funding from its three grant submissions, and

**WHEREAS**, the Town has received two proposals, one from LynStarr Engineering for a total of \$21,150 and a second from Malcolm Pirnie for a total of \$27,600.

**NOW THEREFORE, BE IT**

**RESOLVED, that the Mamaroneck Town Board does hereby authorize an engineering agreement with LynStarr Engineering for the design and construction oversight of the Baldwin Avenue Pump Station control panel, and authorizes 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	Absent
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

**4. Authorization – Stipulation of Settlement – International Firefighters**

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

**RESOLVED, that the Mamaroneck Town Board does hereby approve the Stipulation of Settlement between the Town of Mamaroneck and the Mamaroneck Professional Firefighters Association, Local 898, International Association of Firefighters, on a labor contract covering the period January 1, 2009 through December 31, 2011.**

The above resolution was put to a roll call vote:

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

**5. Resolution – Gardens’ Lake Renovation**

Mr. Altieri gave an overview of the project and stated that in order for the Town and the County to continue, the County has asked for an adoption of a resolution in favor of moving forward with this project.

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

**WHEREAS, in 2007, Westchester County Executive Andrew Spano established the Westchester County Flood Mitigation Program and formed the Westchester County Flood Action Task Force to address flooding within the County; and**

**WHEREAS, the Flood Mitigation Program enables Westchester County to partner with municipalities and other government agencies to provide funding for flood control or flood damage reduction projects where there is also a County purpose to be served; and**

**WHEREAS, the Town of Mamaroneck wishes to participate in the Westchester County Flood Mitigation Program and has submitted an application to the County of Westchester for financial assistance to address flooding within their municipality; and**

WHEREAS, the Town of Mamaroneck has passed a resolution on November 19, 2008, authorizing the approval of the flood mitigation project Gardens' Lake Improvement; and

WHEREAS, the Town of Mamaroneck will adopt the "Development and Planning Standards" of the Westchester County Flood Action Task Force into applicable municipal regulations, guidelines and policies prior to its receipt of any payments from the County of Westchester for its flood mitigation Gardens' Lake Improvement; NOW THEREFORE, BE IT

RESOLVED, the Town of Mamaroneck will conduct a SEQR identifying the County of Westchester as an involved agency in accordance with the New York State Environmental Quality Review Act; and

BE IT FURTHER,

RESOLVED, the Town of Mamaroneck will commit a maximum of \$800,000.00 as the local share of the cost of the flood mitigation project Garden's Lake Improvement, such funds to be provided from various non-County sources; and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Mamaroneck does hereby commit to working cooperatively with Westchester County and other municipalities in Westchester County within the watersheds that include land within the Town of Mamaroneck to reduce flooding and flood damages; and

BE IT FURTHER,

RESOLVED, that the Supervisor and Town Board of the Town of Mamaroneck authorizes Stephen V. Altieri, Town Administrator, to enter into negotiations with the County of Westchester to prepare an Intermunicipal Agreement to accomplish the objectives of the aforementioned project.

The above resolution was put to a roll call vote:

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

6. Resolution – Deferred Compensation Plan

On motion of Supervisor O'Keefe, seconded by Councilwoman Wittner, the following was approved:

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Mamaroneck (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Mamaroneck, pursuant to Section 5 and the Regulations, has adopted and currently administers a deferred compensation plan known as the Deferred Compensation Plan for Employees of the Town of Mamaroneck ("Town's Plan");

WHEREAS, effective September 23, 2004, the Board amended the Model Plan to adopt provisions relating to regulations pertaining to Section 457 and Section 401 (a)(9) of the Internal Revenue Code, technical amendments to the Economic Growth and Tax Relief Reconciliation Act of 2001 (“EGTRRA”) as they apply to the Model Plan and to adopt modifications that update certain administrative provisions;

WHEREAS, the September 23, 2004 amendment to the Model Plan allows for the making of loans to employees who participate in the deferred compensation plan against the balances in their individual accounts;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, the Deferred Compensation Committee (Stephen V. Altieri, Town Administrator; Anthony Siligato, Town Comptroller; and Mary Stanton, Assistant to the Town Administrator/Personnel Officer) recommends the making of loans under the terms and conditions of the Model Plan as adopted by the Town of Mamaroneck, and has established clear procedures for the administration of loans in accordance with Section 6.5 of the Model Plan Document, with Section 9001.4(d) of the Rules & Regulations, and with Sections 457 and 72(p) of the Internal Revenue Code and any Treasury Regulations promulgated there under.

WHEREAS, upon due deliberation, the Town of Mamaroneck has concluded that it is prudent and appropriate to amend the Town’s Plan for Employees of the Town by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Mamaroneck hereby amends the Town’s Plan by adopting the amended and restated Model Plan in the form attached hereto as Exhibit A (on file in the Town Clerk’s Office.)

BE IT FURTHER RESOLVED, that the Town’s Plan as amended by this resolution shall be effective June 1, 2009

The above resolution was put to a roll call vote:

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

7. Approval of Certiorari

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

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

Mamaroneck Boats and Motors, Inc.  
622 Rushmore Avenue  
Mamaroneck, NY 10543

Block: 929 Lot: 86

Town of Mamaroneck/Village of Mamaroneck

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<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2005	\$95,600	\$82,740
2006	\$95,600	\$75,180
2007	\$89,000	\$72,900
2008	\$89,000	\$61,560

The above resolution was put to a roll call vote:

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

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

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

Village Gardens Tenants Corp.  
304 Fenimore Road  
Mamaroneck, NY 10543

Block: 903                      Lot: 181

Town of Mamaroneck/Village of Mamaroneck

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2005	\$95,600	\$82,740
2006	\$95,600	\$75,180
2007	\$89,000	\$72,900
2008	\$89,000	\$61,560

The above resolution was put to a roll call vote:

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

**8. Salary Authorization - Recreation**

On motion of Councilman Fishman, seconded by Councilwoman Wittner, 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:

**Memorial Park Tennis Courts**

Sean Rouse	Attendant	\$11.00/hour	effective 5/1/09
David Conover	Attendant	\$12.00/hour	effective 5/1/09
Francine Brill	Alternate Attendant	\$12.50/hour	effective 5/1/09

The above resolution was put to a roll call vote:

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

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**APPROVAL OF MINUTES April 1, 2009**

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

**RESOLVED**, that the Mamaroneck Town Board does hereby approve the Board minutes from the meeting of, April 1, 2009.

**ORAL COMMUNICATIONS**

None

**WRITTEN COMMUNICATIONS**

The Supervisor noted she had received correspondence regarding Parking.

**SUPERVISOR'S REPORT**

Supervisor O'Keeffe and Steve Altieri attended the Earth Day Celebration at the Kensico Reservoir. The Town received an award from the County for its excellent recycling program, specifically for the Town's Veggie Truck.

**REPORT OF COUNCIL**

Councilman Odierna attended the Summit meeting along with Councilwoman Seligson and Supervisor O'Keeffe. He attended the Recreation Commission Meeting, at which they received an excellent report on the Youth Hockey Program. Councilman Odierna added that summer camp registration is going well.

Supervisor O'Keeffe added that the Human Rights Commission and the Summit Group have met to discuss the forming of a Human Rights Committee to replace the Human Rights Commission. Cora Rust and Robin Nichinsky were at the meeting

Councilwoman Wittner attended the Fire Council Meeting, the Town Board Special Meeting and the Westchester County Soil and Water Conservation District Meeting.

The Board noted a celebration of the life of Christine Helwig will take place this Saturday at the Purchase Friends Meeting House at 1:00PM.

Councilman Fishman noted the conflict this evening with the Traffic Committee and the Town Board Meeting.

**ADJOURNMENT**

On motion of Councilwoman Wittner, seconded by Councilman Fishman, the meeting was unanimously adjourned at 11:15 PM.

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Submitted by  
Christina Battalia, Town Clerk