

AUGUST 12, 2009

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON AUGUST 12, 2009, BEGINNING AT 10:30 AM 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 – Arriving for the 5:00 PM Work Session
Anthony Siligato – Present for the 10:30 AM Work Session

ADDITIONAL WORK SESSION (10:30 AM – 2:30PM)

Consideration of Water Rate

The Westchester Joint Water Works (WJWW) has asked the participating communities to consider a water rate increase for the year 2009. A previous increase took place in 2005. Supervisor O’Keeffe gave a history of the previous rate increase, adding it was too low and should have more properly reflected the actual expenses of the WJWW. With respect to increasing the proposed rate increase from 6% to 8%, Mr. Altieri writes, “the 6% increase only takes into account the expenses of the WJWW and not the expenses of the Town’s Water District Budget Fund. It has been our practice to avoid levying a property tax from the Water District Fund. Our approach is for the Water District Fund to be self sufficient by means of water revenues. The Board is recommending an increase of 8%. The Board will review further historical information and additional recommendations at its September 16th Town Board Meeting.

2010 Town Budget

Mr. Siligato and Mr. Altieri discuss some of the issues and concerns entering into budget discussions. The Board reviewed a memo outlining details of the Town’s current financial situation as they prepare for the 2010 Budget.

Update – Technology Projects

Mr. Siligato briefed the Board on the status of the current technology projects in the capital project budget.

Amendment to the Administrative Manual

The Board reviewed two amendments being recommended by the Town Comptroller and Town Administrator to the Administrative Manual with respect to purchasing. These policy changes will increase efficiency in the accounts payable operations.

Federal Section 8 Program

Anna Danoy, Housing Program Director was present to explain federal budget changes that may impact the Town’s Housing Voucher Program.

Update – Senior Center Renovation Project

The Board reviewed the project and funding sources. Further review and specific funding and project description will be on the agenda for the September 16th Town Board Meeting.

Parking – Myrtle Blvd

With the passage of legislation to create a special parking district in Washington Square the Board discussed implementation. The Board agreed to put further discussion on hold until the fall when a better assessment of the parking could take place.

REGULAR WORK SESSION 5:00 PM

Memorial Park Master Plan

The Board viewed presentations from John A. Imbiano, of IQ Landscape Architects and Hank White of HM White Site Architects.

On motion of Supervisor O’Keefe, seconded by Councilman Fishman the Town Board unanimously agreed to enter into Executive Session to discuss Employment History and Litigation.

EXECUTIVE SESSION

Employment History
Litigation

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O’Keefe at 8:40 PM she then pointed out the location of exits.

PUBLIC HEARINGS— Key Box Law

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on August 12, 2009 at 8:15 PM or as soon thereafter as is possible in the Court Room of the Mamaroneck Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider the adoption of a local law entitled “Key Box Law”

Purpose:

The Town Board finds that in order to protect the health, safety and welfare of the citizens of the unincorporated area of the Town of Mamaroneck, during fires or when other emergencies arise, the Fire Department must be able to gain access to buildings of a certain size or which contain a certain use and to properties where access is restricted. One recognized method for providing access to firefighters and other emergency responders is the installation of “Key Boxes” and Security Padlocks. This proposed chapter of the Code will provide the rules and the requirements for Key Boxes and Security Padlocks.

The full text of this Local law may be examined and copies obtained at the Town Clerk’s office during regular hours (Monday – 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: July 20, 2009

Fire Chief Sean McCarthy and Deputy Chief Brendan Collins were present to explain the proposed Key Box Law.

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

Supervisor O’Keeffe asked if anyone wished to speak for or against the proposed law.

Mr. Irving Shaw asked if he could be given a list procedure for the uses of the boxes.

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

Local Law No. 3-2009

BE IT ENACTED by the Town Board of the Town of Mamaroneck as follows:

Section 1. – Purpose:

The Town Board finds that in order to protect the health, safety and welfare of the citizens of the unincorporated area of the Town of Mamaroneck, during fires or when other emergencies arise, the Fire Department must be able to gain access to buildings of a certain size or which contain a certain use and to properties where access is restricted.

One recognized method for providing access to firefighters and other emergency responders is the installation of “Key Boxes”. Key Boxes are located outside buildings. They contain keys to locks within the building which lock areas, such as mechanical rooms, to which firefighters need access to, for example, shut off electrical service during a conflagration. To maintain security, only the Fire Department will have the keys that open the Key Boxes.

For properties to which access is restricted by locked fences or gates, Security Padlocks or Key Switches provide access to firefighters and other emergency responders when there is an emergency. As with Key Boxes, for security purposes, only the Fire Department will have the keys that unlock the Security Padlocks or turn the Key Switches.

This chapter of the Code provides the rules and the requirements for Key Boxes, Security Padlocks and Key Switches.

Section 2. – Addition of a new article to the Code of the Town of Mamaroneck:

The following new Chapter 91 hereby is added to the Code of the Town of Mamaroneck:

Chapter 91

EMERGENCY ACCESS TO CERTAIN
BUILDINGS AND PROPERTIES REQUIRED

§ 91-1. Legislative Intent.

The Town Board finds that in order to protect the health, safety and welfare of the citizens of the unincorporated area of the Town of Mamaroneck, during fires or when other emergencies arise, the Fire Department must be able to gain access to buildings

of a certain size or which contain a certain use and to properties where access is restricted.

One recognized method for providing access to firefighters and other emergency responders is the installation of "Key Boxes". Key Boxes are located outside buildings. They contain keys to locks within the building which lock areas, such as mechanical rooms, to which firefighters need access to, for example, shut off electrical service during a conflagration. To maintain security, only the Fire Department will have the keys that open the Key Boxes.

For properties to which access is restricted by locked fences or gates, Security Padlocks or Key Switches provide access to firefighters and other emergency responders when there is an emergency. As with Key Boxes, for security purposes, only the Fire Department will have the keys that unlock the Security Padlocks or turn the Key Switches.

This chapter of the Code provides the rules and the requirements for Key Boxes, Security Padlocks and Key Switches.

§ 91-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated in this section:

FIRE DEPARTMENT- The Fire Department of the Town of Mamaroneck.

FIRE DISTRICT - The unincorporated area of the Town of Mamaroneck.

FIRE CHIEF – The Chief of the Fire Department or the Fire Chief's designee.

KEY BOX - A box of a size and type approved by the Fire Department that utilizes the security key adopted by the Fire Department.

KEY SWITCH- A two-position key switch, approved by the Fire Department that utilizes the security key adopted by the Fire Department.

MANDATORY STORAGE CABINET – A container which holds the Material Safety Data Sheets regarding the hazardous materials or controlled substances located within a Protected Building and such other information as the Fire Chief may require.

MATERIAL SAFETY DATA SHEETS – Information regarding hazardous materials or controlled substances located within a Protected Building.

PROTECTED BUILDING – Any structure located within the Fire District which contains or was built to contain a use which meets the description of either a principal use or a special use in sections 240-21 A (2), 240-21 B. (1), (2) or (3), 240-21.1, 240-24A. (2), 240-25, 240-30, 240-31, 240-32 or 240-32.1 of the Code. Notwithstanding the previous sentence, a building which contains more than one dwelling unit but either contains no commercial uses or contains commercial uses that are used primarily by the residents of that building is a Protected Building only if it contains five (5) or more dwelling units.

RESPONSIBLE PARTY- The owner of, and any person designated by the owner to manage a Protected Property or a Restricted Property.

RESTRICTED PROPERTY – Property to which access is restricted by a barrier which can be opened only by a key, a swipe card, the entry of a code or some other means not known by the general public.

SECURITY PADLOCK- A padlock approved by the Fire Department that utilizes the security key adopted by the Fire Department.

§ 91-3. Contents of a Key Box.

Key Boxes for a Protected Building shall contain:

- A. Three individual duplicate rings of keys for all locked**
 - (1) points of ingress to, or egress from that building,**
 - (2) mechanical rooms,**
 - (3) utility rooms,**
 - (4) storage rooms,**
 - (5) garages,**
 - (6) control valves,**
 - (7) fire alarm panels,**
 - (8) fences or secured areas,**
 - (9) accesses to elevators,**
 - (10) control rooms**
 - (11) panels containing controls or shut-off devices for systems within the building,**
 - (12) firefighter service operations for facility elevators,**
 - (13) common areas of the occupancy,**
 - (14) Mandatory Storage Cabinets, and**
 - (15) other areas that may be required by the Fire Chief.**
- B. A card whose minimum size is 3 inches by 5 inches which contains the names and the telephone numbers of the people to be contacted in the case of an emergency.**
- C. If required by the Fire Chief, floor plans of the building showing the location of all shutoff valves.**

§ 91-4. Requirements.

- A. One or more Key Boxes shall be installed on the exterior wall of each Protected Building. The Fire Chief shall determine the number and designate the location(s) of the Key Box or Key Boxes. Once installed, a Key Box shall not be relocated without the express written consent of the Fire Chief.**
- B. Any Protected Building storing hazardous materials or controlled substances shall have one or more Mandatory Storage Cabinets. A Mandatory Storage Cabinet shall contain Material Safety Data Sheets for the hazardous materials or controlled substances stored in such building. The Fire Chief shall determine the number and designate the location(s) for the Mandatory Storage Cabinet. Once installed, a Mandatory Storage Cabinet shall not be relocated without the express written consent of the Fire Chief.**
- C. All barriers to a Restricted Property shall be equipped with a Key Box, a Key Switch or a Security Padlock. The Fire Chief shall determine the number and designate the location(s) for each Key Box, Key Switch and/or Security Padlock. Once installed, neither a Key Box, a Key Switch nor a Security Padlock shall be relocated without the express written consent of the Fire Chief. If a Restricted Property is equipped with a Key Box, such Key Box shall not be required to contain all of the items specified in section 91-3 but shall contain the device by which such barrier can be opened or the instructions for opening the barrier.**

§ 91-5. Installation and Maintenance of Key Box

- A. Both the owner of, and the Responsible Party for a Protected Building shall be responsible for installing and maintaining all Key Boxes that are required for such building.**
- B. Both the owner of, and the Responsible Party for a Restricted Property shall be responsible for installing and maintaining all Key Boxes, Key Switches and/or Security Padlocks that are required for such property.**

Section 4 Key Boxes, Key Switches and Security Padlocks shall be installed and maintained in a manner that makes them free from physical and visual obstruction.

Section 4 Key Boxes, Key Switches and Security Padlocks shall not be of a color which obscures them from view.

- E. Both the owner of, and the Responsible Party for a Protected Building shall be responsible for installing a decal in a form approved by the Fire Chief to each Key Box and at such other location(s) as the Fire Chief may determine. Once affixed, decals shall not be relocated without the express written consent of the Fire Chief.
- F. Both the owner of, and the Responsible Party for a Protected Building shall be responsible (a) for notifying the Fire Department whenever a key inside the Key Box for that building no longer will open the item within the building it is supposed to open, (b) for providing the Fire Department with a key that opens such item, (c) for notifying the Fire Department whenever the telephone numbers of the people to be contacted in the case of an emergency and the name and telephone number of an occupant changes, (d) for providing the Fire Department with an up to date card that complies with section 91-3 B., (e) for notifying the Fire Department whenever floor plans of the building or the location of any shutoff valve changes and (f) for providing the Fire Department with up to date floor plans showing the location of all shutoff valves if the Fire Chief required a floor plan to be provided for the Key Box.
- G. The owner of a Protected Building or a Restricted Property shall be responsible for notifying the Fire Department whenever there is a new person designated by the owner to manage such building or property.

§ 91-6. Applicability.

Section 4 All Protected Buildings and Restricted Properties for which a certificate of occupancy shall not have been issued on the effective date of this law must comply with this law before a certificate of occupancy can be issued.

- B. All Protected Buildings and Restricted Properties for which a certificate of occupancy shall have been issued on or before the effective date of this law shall comply with this article by August 31, 2010.

Section 4 The owner of a Protected Building or a Restricted Property shall bear all of the costs incurred in order to comply with this article.

§ 91-7. Enforcement Officers.

Summonses for the violation of any provision of this article can be issued by the Director of Building Code Enforcement and Land Use Administration, an Assistant Building Inspector, a Code Enforcement Officer or a Fire Inspector.

§ 91-8. Penalties for Offenses.

Any person who violates any provisions of this article shall be guilty of a violation which shall be punishable by a fine of no more than \$1000 or imprisonment for a term not to exceed fifteen (15) days, or both, and also shall be liable for the civil penalty imposed by §106-55 C. of the Code. Each day a violation continues shall constitute a separate offense.

§ 91-9. Exemptions.

This article shall not apply to buildings or properties owned by the United States of America, the State of New York, the County of Westchester or the Mamaroneck Union Free School District.

Section 3 – 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 the Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 4 – Effective Date:

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

PUBLIC HEARING – No parking Maxwell Avenue

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

AUGUST 12, 2009

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on August 12, 2009 at 8:15 PM or as soon thereafter as is possible in the Court Room of the Mamaroneck Town Center, 740 W. Boston Post Road, Mamaroneck,

New York to consider the adoption of a Local Law entitled “No Parking Anytime Maxwell Avenue”.

Purpose

The parking of cars on the east side of Maxwell Avenue makes it virtually impossible for large trucks to pass through when vehicles are traveling in both directions. This has created an unsafe condition and hampers the flow of traffic to the Town Yard. Therefore, the recommendation is to establish a “No Parking Anytime” on the east side of Maxwell Avenue except for that portion of Maxwell Avenue immediately adjacent to the New York Sports Club Building. On this section of the street a loading zone would be established to allow delivery vehicles for the stores in the building to load and unload. The parking limit in the loading zone would be 30 minutes.

The full text of this Local law may be examined and copies obtained at the Town Clerk's office during regular hours (Monday - 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: July 20, 2009

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

Mr. Altieri explained the proposed Local law.

Supervisor O’Keeffe asked if anyone wished to speak for or against the proposed Local law.

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

Local Law No. 4 - 2009

This local law shall be known as the “No Parking on the east side of Maxwell Avenue and the creation of a Loading zone on the east side of Maxwell Avenue” Law.

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

Section 1 – Purpose:

Since Maxwell Avenue is the access to the Town’s garage and will be one of the access ways to the Byron Place apartments/condominiums, the Town Board finds that to facilitate the flow of traffic, parking on the east side of Maxwell Avenue should be eliminated. However, since there are commercial uses in the shopping center adjacent to Maxwell Avenue, the Town Board also finds that a loading zone along a portion of the east

side of Maxwell Avenue is necessary so that inventory, equipment and other items can be moved into and out of those commercial establishments more easily. This law puts the Town Board's findings into effect.

Section 2 – Prohibition of parking on the east side of Maxwell Avenue:

Parking of motor vehicles on the east side of Maxwell Avenue is prohibited.

Section 3 --- Creation of a Loading Zone on the east side of Maxwell Avenue:

The portion of the east side of Maxwell Avenue which lies between the point that is 130 feet south of the point where the easterly side of Maxwell Avenue terminates at the southerly side of Madison Avenue and the point that is 199 feet south of the point where the easterly side of Maxwell Avenue terminates at the southerly side of Madison Avenue shall be a loading zone. Motor vehicles can stand in that loading zone for a period not to exceed 30 minutes for the sole purpose of delivering items to, or taking items from the commercial uses located in the shopping center that is adjacent to Maxwell Avenue.

Section 4 – Sign(s) to be Erected and Painting to be Done:

An appropriate sign or signs shall be erected on and/or striping shall be painted on the surface of Maxwell Avenue indicating the area where parking is prohibited and the loading zone is created by this law.

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.

PUBLIC HEARING – Repeal of the Off Street Parking in Residential Districts

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

NOTICE OF PUBLIC HEARING
May 6, 2009
Adjourned to May 20, 2009,
Adjourned to June 3, 2009
Adjourned to June 17, 2009
Adjourned to August 12, 2009
Adjourned to October 7, 2009

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on Wednesday October 7, 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 "Repeal of the Off Street Parking in Residential Districts" Law.

Purpose:

Section 240-79 (B) of the Zoning Ordinance provides restrictions on off-street parking which have become anachronistic. The law was enacted at a time when it was less common for households to have more than one automobile so that parking the family car either in a garage or more than 25 feet from the home's front lot line was feasible. Now it

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is the norm for each household to have two or three cars making it impossible to park all of them in a garage or more than 25 feet from the home's front lot line.

In addition there were no SUVs or other extra large motor vehicles when the law was passed. Garages that were built prior to 1960 cannot accommodate some of today's vehicles. Hence such vehicles are parked in driveways.

For these reasons, the Town Board finds that it is appropriate to repeal section 240-79 (B) of the Zoning Ordinance.

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: March 17, 2008

Mr. Maker has rewritten the proposed Local Law in order to address the concerns of the Town Board and Planning Board. In order to move forward the Town Board must again refer this to the Planning Board.

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

RESOLVED, that the Mamaroneck Town Board Does hereby adjourn the Public Hearing on the "Repeal of the Off Street Parking in Residential Districts" Law, until October 7, 2009.

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

RESOLVED, that the Mamaroneck Town Board does hereby refer the Proposed Local Law " Repeal of the Off Street Parking In Residential Districts" to the Planning Board.

TAKEN OUT OF ORDER

ORAL COMMUNICATIONS

Abby Katz, of Larchmont Gardens' Civic Association addressed the Board. She asked for an update on the paving at Briarcliff and Crescent, an update on the sidewalk repairs as well as an explanation of why garbage cans are left at the curb after pick up.

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O'Keeffe and on motion of Commissioner Councilman Odierna, seconded by Commissioner Councilwoman Seligson, 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 Wittner’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:

A & M Industrial Supply	Sensor Replacement & Repair	\$559.73
AAA Emergency Supply Co.	Fire Hose	774.00
AAA Emergency Supply Co.	Boot for F.F. Dugan	299.00
AAA Emergency Supply Co.	Apartment Hose Pack W/Bag	295.00
AAA Emergency Supply Co.	Boot for F.F. Gallin	289.00
AAA Emergency Supply Co.	Fire Hose	285.00
AAA Emergency Supply Co.	Safety Cones	259.00
AAA Emergency Supply Co.	Light Replacement for Eng.37	216.00
AAA Emergency Supply Co.	Batteries for Scott Packs	212.25
AAA Emergency Supply Co.	Starter Cover for Saw	87.40
AAA Emergency Supply Co.	Lukas Tool Replacement Part	23.50
AAA Emergency Supply Co.	Gasket for E37	21.00
AAA Emergency Supply Co.	Chain Adjustment	17.88
Avaya	Service Contract	66.81
Bound Tree Medical	Gloves	148.72
Bound Tree Medical	N95 Respirators	145.85
Bound Tree Medical	Hand Sanitizer	82.00
Bound Tree Medical	N95 Masks	71.64
Bound Tree Medical	Gloves	45.16
Brewer	Ext. Cords and Connectors	28.77
Brewer	Autoparts for E37	5.62
Cablevision	Service 7/23-8/22/09	183.43
Cleaning Systems	Supplies	430.40
Cleaning Systems	Soap	84.50
Cleaning Systems	Cups	82.50
DTM Parts Supply Inc.	Filters for Engine 36	101.58
DTM Parts Supply Inc.	Filter for Engine 37	55.78
Excelsior Garage	Parts for Engine 36	332.54
Fire One Inc	Annual Hose Testing-Purchase Order	3,581.60
Fire One Inc	Fire Pump Annual Testing-E36,37 & 51	900.00

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Fire One Inc	Annual Performance Testing of L19	725.00
Fire One Inc	Annual Ground Ladder Service Testing of 16 Ladders	672.00
Flower Bar	Floral Arrangement-Murray Funeral	85.00
Frank Cioffi	Fire Council Sec. Fee Jan-July 2009	875.00
G & K Services	Cleaning Supplies	56.96
Giacomo Service Center	Service & Inspection-Ford Explorer	236.95
IKON	Copier Rental-6/30-7/29/09	233.33
Knox Company	Keysecure and Software	790.00
Larchmont Village Cleaners	Uniform Maint.-June '09	15.75
Motorola	Equipment Repair	78.00
NYS Association of Fire Chiefs	Chief McCarthy 2009 Renewal	35.00
Oakland Beach Deli	Food for Colation Monthly Drill-July	206.50
O.S.P.	Recharge & Service	573.00
Pitt-Stop Auto Parts	Parts for Fleet 302	29.90
Poland Springs	Drinking Water Service June'09	108.88
Proftech	Paper	57.98
Redwood Nursery	Flowers for Flag Pole	170.50
T.C.D.	Custom Patches (2)	90.00
Technical Electronics Inc.	Remote Speaker Mics & Antennas	412.30
Technical Electronics Inc.	NiMH Batteries	406.00
Town Of Mamaroneck Fire Dept.	OSHA Training Reimbursement	184.92
Town Of Mamaroneck Fire Dept.	Olympus 1050 SW Digital Camera for Training	179.99
Town of Mamaroneck P.F.F.A.	Life Insurance Premium July '09	220.08
Tri-City Auto Parts	Oil Dry	71.94
United Water	Water Service 4/1-7/1/09	322.15
Verizon	Telephone Service	264.34
Verizon Wireless	Cell Phone Service	385.69
Villa Maria	Food for Training	77.70
Westech Elev. Services Inc.	Maintenance for August 2009	175.00
Winzer Corp.	Parts	58.43
W.J.W.W.	Water-6" Metered Fire Service-6/30- 9/30/09	100.00
Total:		\$17,583.95

The above resolution was put to a roll call vote:

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

2. Sale of Surplus Vehicles

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

Whereas, the Town of Mamaroneck Fire Commissioner does hereby declare the existing Fire Department' High pressure Breathing Air System as surplus equipment, and further authorizes the Town Administrator to implement the sale, and if not successful its elimination as scrap metal.

3. Other Fire Department Business

Commissioner Wittner read and the Commission accepted the Fire Report as submitted by Fire Chief Sean McCarthy.

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<u>ALARM TYPE</u>	<u>NUMBER</u>
Generals	24
Minors	22
Stills	4
Out of Town (Mutual Aid)	1
EMS	15
Drills	2
TOTAL	68

Total Number of personnel responding: 783
Total Time working: 21 hours & 38 minutes

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

AFFAIRS OF THE TOWN

1. Appointment – Coastal Zone Management Commission

ADJOURNED

2. Set Public Hearing – Public Housing Agency – Administrative Plan

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

RESOLVED, that the Town Board does hereby set the date Public Hearing on the Public Housing Agency, Administrative Plan for October 7, 2009, 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.

3. Authorization – Transfer of Funds – Cemeteries

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

WHEREAS, the Cemetery located at Cooper Lane is Under the Town’s jurisdiction, and has fencing that is deteriorating an in need of replacement.

NOW THEREFOR, BE IT RESOLVED, that the Mamaroneck Town Board does hereby authorize the transfer from the Town wide unreserved account into budget account A8810.4002 in the amount of \$8,300.00.

The above resolution was put to a roll call vote:

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

4. Authorization – Amendments – Administrative Manual

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the amendments to the Administrative Manual with respect to purchasing procedures and the addition of a provision for salary advances by Town employees.

The above resolution was put to a roll call vote:

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

5. Authorization – School Tax Warrant

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

**TOWN OF MAMARONECK
SCHOOL TAX WARRANT FOR THE YEAR 2009**

**STATE OF NEW YORK)
COUNTY OF WESTCHESTER)**

**TO: Receiver of Taxes of the
Town of Mamaroneck in said County**

AUGUST 12, 2009

YOU ARE HEREBY COMMANDED, to receive and collect from several persons named in the assessment roll of the Union Free School District in the Town of Mamaroneck, hereunto annexed and herewith delivered to you, the sum of the School Taxes of said School District set opposite their respective names in accordance with provision of Chapter 852 of the Laws of 1948 (Title 16) and the acts amendatory thereof and supplemental thereto including the amendment made by Chapter 386 of the Laws of 1962 and the resolution adopted by the Town Board of the Town of Mamaroneck on August 12, 2009.

YOU ARE HEREBY COMMANDED, to deposit all such monies so collected by you in virtue of the warrant, to the credit of the Town of Mamaroneck, into the JPMorgan Chase Bank, N.A., as provided by said Chapter 852 of Laws of 1948 (Title 16) and the acts amendatory thereof and supplemental thereto including the amendment made by Chapter 386 of the Laws of 1962 and resolution adopted by the Town Board of the Town Of Mamaroneck on August 12, 2009, such taxes being levied against the said School District for the year 2009 for the following purposes, viz:

APPROPRIATIONS

Program Component	\$ 86,099,824.00
Administration Component	12,664,775.00
Capitol Component	21,930,478.00
<u>TOTAL APPROPRIATIONS</u>	<u>\$120,695,077.00</u>

ESTIMATED RECEIPTS

Revenue-Other Districts & Governments	\$ 785,000.00
Revenue form Local Sources	545,000.00
Interest on General Fund Investments	250,000.00
State Aid	7,237,946.00
Refund of Prior Expenses	50,000.00
Appropriated Fund Balance	2,000,000.00
County Sales Tax	900,000.00
<u>TOTAL REVENUES</u>	<u>\$ 11,767,946.00</u>
<u>TOTAL WARRANT AMOUNT</u>	<u>\$108,927,131.00</u>
<u>LESS AMOUNT TO BE PAID BY STATE (STAR PROGRAM)</u>	<u>\$ 8,547,135.46</u>
<u>NET AMOUNT TO BE RAISED BY TAXATION</u>	<u>\$100,379,995.54</u>

AND YOU ARE FURTHER COMMANDED, to make and file with the undersigned Supervisor of the said Town, as required by Chapter 852 of the Laws of 1948 (Title 16), and the acts amendatory thereof, and supplemental thereto, including the amendment made by Chapter 286 of the Laws of 1962 and the resolution adopted by the Town Board of Mamaroneck, on August 12, 2009, the reports provided for by said Law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said Town to be hereunto affixed this 12th day August, 2009.

VALERIE MOORE O'KEEFFE
SUPERVISOR
TOWN OF MAMARONECK

AUGUST 12, 2009

Chapter 286 of the Laws of 1962 and the resolution adopted by Town Board of the Town of Mamaroneck, on August 12, 2009, the reports provided for by said Law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said Town to be hereunto affixed this 12th day of August, 2009.

VALERIE MOORE O'KEEFFE
SUPERVISOR

TOWN OF MAMARONECK

The above resolution was put to a roll call vote:

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

6. Resolution – Establish Human Rights Committee

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

Whereas, by Agreement dated March 18, 1998, the Town of Mamaroneck together with the Village of Mamaroneck and the Village of Larchmont created a joint Human Rights Commission known as the Mamaroneck-Larchmont Human Rights Commission, and

Whereas, the existence of the Mamaroneck-Larchmont Human Rights Commission precludes persons with human rights claims from presenting those claims to the Human Rights Commission established by the County of Westchester, and

Whereas, the Mamaroneck-Larchmont Human Rights Commission was created at a time when the processing of human rights claims was slow and ineffective, and

Whereas, the expectation was that by creating of the Mamaroneck-Larchmont Human Rights Commission, persons would have quicker access to a body that could hear their claims, and

Whereas, the Mamaroneck-Larchmont Human Rights Commission has served that purpose, and

Whereas, since the creation of the Mamaroneck-Larchmont Human Rights Commission, the County of Westchester has appropriated greater resources to the Human Rights Commission that it established so that many of the reasons for the creation of the Mamaroneck-Larchmont Human Rights Commission no longer exist, and

AUGUST 12, 2009

Whereas, the Mamaroneck-Larchmont Human Rights Commission lacks the legal authority to issue subpoenas, compel persons to attend hearings and to impose appropriate remedies, and

Whereas, the Human Rights Commission established by the County of Westchester has that authority, and

Whereas, the Mamaroneck-Larchmont Human Rights Commission has served its usefulness and that it is in the best interest of the community for it to be dissolved so that persons can present their claims to the Human Rights Commission established by the County of Westchester which has the authority to issue subpoenas, compel persons to attend hearings and to impose appropriate remedies.

BE IT RESOLVED, that the Town of Mamaroneck agrees to dissolve the Mamaroneck-Larchmont Human Rights Commission, and

BE IT FURTHER RESOLVED, that upon presentation of certified copies of resolutions passed by the Village of Mamaroneck and the Village of Larchmont, the Town Administrator of the Town of Mamaroneck is authorized and directed to sign an agreement with the Village of Mamaroneck and the Village of Larchmont on behalf of the Town of Mamaroneck dissolving the Mamaroneck-Larchmont Human Rights Commission, and

BE IT FURTHER RESOLVED, that the Town of Mamaroneck agrees to form a Human Rights Committee in conjunction with the Village of Mamaroneck and the Village of Larchmont, the primary mission of which shall be to educate the public on human rights and to promote tolerance of our country's diverse culture, and

BE IT FURTHER RESOLVED, that the attorney for the Town of Mamaroneck is directed to draft and present to the Town Board of the Town of Mamaroneck for its consideration an intermunicipal agreement between the Town of Mamaroneck, the Village of Mamaroneck and the Village of Larchmont which will create, define the structure of and develop the purposes of a Human Rights Committee.

The above resolution was put to a roll call vote:

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

7. Adoption – 2010 Town of Mamaroneck Budget Calendar

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Town Budget Calendar for the year 2010 as follows.

Friday, July 24, 2009		Distribution Of Operating & Capital Budget Worksheets/Budget Instructions to Department Heads
Monday: September 14, 2009		Submission of Budget Worksheets to Town Administrators Office
Monday Sept. 21, 2009 — Fri. Sept.25, 2009		Departmental Budget Review
Wednesday, October 21, 2009	4:30 p.m.	Submission of Tentative Budget to Town Clerk & Town Board by Budget Officer
Wednesday, October 28, 2009	4:00 p.m.	Conference Room A – Mamaroneck Town Center – public Work Session & Overview of Tentative Budget
Friday, October 30, 2009	8:30 a.m.	Operating Departments Public Work Session @ Location TBD
Tuesday, November 3, 2009	11:00 a.m.	Conference Room A – Mamaroneck Town Center Capital Budget Review
Tuesday, November 10, 2009	5:00 p.m.	Conference Room A – Mamaroneck Town Center Reviews of Revenues
Tuesday, November 17, 2009	5:00 p.m.	Conference Room A – General Budget Work session
Wednesday, December 2, 2009	8:15 p.m.	Courtroom – 2010 Town Budget/Public Hearing
Wednesday, December 16, 2009	8:15 p.m.	Adoption of 2010 Budget

*ADDITIONAL SESSION MAY BE ADDED, IF NESSESSARY

8. Salary Authorization

TOWN CLERK

On motion of Councilman Seligson, seconded by Supervisor O’Keeffe the following, it was

RESOLVED, that the Mamaroneck Town Board does hereby approve Raquel Arce as part time staff for the Town Clerk’s Office for the scanning and implementation of the Laserfiche system at hourly rate \$12.00, retroactive to July 30, 2009.

The above resolution was put to a roll call vote:

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

CONSERVATION

On motion of Councilman Seligson, seconded by Supervisor O’Keeffe the following, it was

RESOLVED, that the Mamaroneck Town Board does hereby authorize Chelsea Gisando and Eric Carpaneto as summer Conservation Crew to replace two summer staff members who left at an hourly rate of \$8.50.

The above resolution was put to a roll call vote:

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

RECREATION

On motion of Councilman Odierna, seconded by Councilwoman Seligson, 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:

TENNIS PROGRAMS effective retroactive to June 29, 2009

Nell Brodsky	Instructor	\$9.00 per hour
Will Cohn	Instructor	\$14.00 per hour
Arielle Evans	Instructor	\$9.00 per hour
Timothy Kuklis	Tennis Camp Director	\$30.00 per hour
	Instructor	\$20.00 per hour
Jonathan Newman	Instructor	\$9.00 per hour
Mari Nitta	Instructor	\$9.00 per hour
Kerry Ryan	Instructor	\$10.00 per hour
Yuni Sameshima	Instructor	\$11.00 per hour
Daniel Scopp	Instructor	\$13.00 per hour
Mia Weber	Instructor	\$9.00 per hour
Ben Zuckert	Instructor	\$9.00 per hour

HOMMOCKS PLAYGROUND effective June 30 to August 14, 2009

Scott Reynolds	Sports	\$300.00 per week
Ann Giles	Lifeguard	\$310.00 per week
Ziggy Scripo	Lifeguard	\$310.00 per week
Julia Arcese	Counselor	\$260.00 per week
Linetta Wingster	Counselor	\$220.00 per week
Sean Rouse	Custodian	\$15.00 per hour

HOMMOCKS POOL effective July 13, 2009

Jacob Feinman	Lifeguard	\$9.00 per hour
Rob Miceli	Manager	\$17.50/hour
	C.P.O.	\$17.50/hour
	Manager/C.P.O	\$18.50/hour

MEMORIAL PARK TENNIS COURTS effective July 15, 2009

Gregory O’Connell	Attendant	\$10.50 per hour
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SUMMER VOLLEYBALL effective July 7 to August 6, 2009

Rob Micelli	Rink Supervisor	\$45.00/night
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The above resolution was put to a roll call vote:

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

9. Report of Bids – TA-09-16, Community Services Renovation

On September 10, 2009 the Town publicly opened and read eight bids for Contract TA-09-16 New Community Services Office/New Town conference Rooms. The full report of bids is entered into the record as follows.

SEE ATTACHMENT A

It was explained by Mr. Altieri that the lowest bidder Franchise Contractors of Harrison, NY failed to follow the New York State bid law which requires that bidders submit their bid with a second sealed envelope containing the names of the sub contractors to be used and the value of their contracts. Therefore the second lowest responsible bidder meeting the Town’s specifications was Sisca Northeast Inc., of Brewster, NY with a base bid of \$229,923.00. The Town’s bid document asked for deduct pricing on several items; Therefore, with the deduction of Cat 9 wiring and carpet installation the construction costs are reduced to \$210,923.00.

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

RESOLVED, that the Mamaroneck Town Board does hereby award Contract TA-09-16 New Community services Office/New Town Conference Rooms, to the lowest responsible bidder Sisca Northeast, Brewster, NY in the amount of \$210,923.00 and

BE IT, FURTHER

RESOLVED, that the Town Administrator is hereby authorized to execute said contract 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

10. Transfer of Funds – TA 09-16, Community Services Renovation

On the motion of Councilwoman Wittner, Seconded by Councilwoman Seligson, it was,

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Comptroller to transfer funds in the amount of \$112, 800 from the Town wide unreserved balance to Capital Project #29-16, Account # H-1620.400.5003, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Section 8 Housing Administrator to set aside

\$180,000 of the unreserved balance fund of the Section 8 Administrative find balance for the renovation of the Department's office.

The above resolution was put to a roll call vote:

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

11. Approval of Certiorari

On motion of Councilwoman Seligson, 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:

**Dance Cavise
273 Halstead Avenue
Mamaroneck, NY 10543**

**Block: 901 Lot: 315
Town of Mamaroneck**

<u>YEAR</u>	<u>CURRENT ASSESMENT</u>	<u>REDUCED ASSESMENT</u>
2005	\$23,400	\$17,000
2006	\$23,400	\$17,000
2007	\$23,400	\$15,000
2008	\$23,400	\$14,000

The above resolution was put to a roll call vote:

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

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

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

**Giovanni Vozza and Rosa Vozza
705 Mamaroneck Avenue
Mamaroneck, NY 10543**

**Block: 822 Lot: 398
Town of Mamaroneck/Village of Mamaroneck**

<u>YEAR</u>	<u>CURRENT ASSESMENT</u>	<u>REDUCED ASSESMENT</u>
2007	\$12,500	\$7,000
2008	\$12,500	\$7,000

The above resolution was put to a roll call vote:

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

APPROVAL OF MINUTES July 7, 2009

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board minutes from the meeting of, July 7, 2009.

ORAL COMMUNICATION

Taken out of order – See Above

WRITTEN COMMUNICATIONS

None

SUPERVISOR'S REPORT

Supervisor O'Keeffe attended a second meeting with the neighboring officials, Mayor Savolt of the Village of Mamaroneck, Mayor Liz Feld of the Village of Larchmont, and Mayor Joan Feinstein of Rye Brook and Mayor Denis Pilla of the Village of Port Chester. Their discussion continues regarding consolidation and shared services. Supervisor O'Keeffe noted the Town of Rye had hired a consultant to review the dissolution of the Village of Port Chester, raising the question of what would then happen to the Village of Mamaroneck.

Supervisor O'Keeffe addressed the recent Stipulation of Settlement by Westchester County with regards to Affordable Housing. The Board will review this further and will have more to comment on at the next meeting.

REPORT OF COUNCIL

Councilman Fishman attended the Cable TV Board of Control Meeting at which they discussed the Capital Budget. He has attended a meeting of the newly formed Committee on Consolidation/Shared Services and will have more to report at the next meeting. Councilman Fishman did add that the Chair of the Committee, William Denzer, was an excellent facilitator.

Councilwoman Seligson noted she had no report as Liaison, due to the summer 'no meeting' schedule. She will be attending a Sustainability Forum coordinated by Westchester County at New Rochelle City Chambers on September 9, from 5:30 – 8:30 PM. Westchester County is trying to help communities in the sound shore better understand their roles in water conservation and climate change. The Town Administrator, Steve Altieri will be speaking about recycling.

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Councilwoman Wittner noted, due to the summer schedule no meetings were held of which she is a liaison.

Councilman Odierna attended the Recreation Commission Meeting. Much of the discussion involved the programming and how well they were running, further noting the camps were at full capacity.

The Town Clerk spoke of her attendance at the Cornell Municipal Clerks Institute held from July 19th thru July 23th. This was her second year of a three year program, noting some of the specific course work she is taking.

ADJOURNMENT

On motion of Supervisor O’Keefe, seconded by Phyllis Wittner, the meeting was unanimously adjourned at 10:40PM in memory of a number of individuals. Supervisor O’Keefe noted the passing of George Berridge, a resident of Larchmont and a distinguished member of the Community. Gabriel V. Fay, a resident of Larchmont for 50 years, also passed. Mr. Fay was a member of the Town’s Planning Board for a number of years. Seth Adam Kaplan, Co-President of the Emelin Theater and member of the Board of Trustees of the Larchmont Temple, Suzy Geller Wolf of Larchmont sadly passed away as well. She is survived by her husband David and three children. John “Jack” Mayne, of

Mamaroneck, died at the age of 80. Jack was also in charge of the Mamaroneck Senior House in Harbor Island Park. The Board sends its sympathy to the many families and friends. Charles Green of 7 Highland Avenue addressed the Board briefly, stating the street light has been out on Rockland Avenue.

**Submitted by
Christina Battalia, Town Clerk**