

October 20, 2009

MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON OCTOBER 20, 2009, BEGINNING AT 3:00 PM IN CONFERENCE ROOM A AND CONTINUING AT 5:00 PM IN THE COURT ROOM OF THE TOWN, 740 W. BOSTON POST ROAD, MAMARONECK, NEW YORK

PRESENT:

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

ALSO PRESENT:

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

Call to Order

On motion of Councilwoman Wittner, seconded by Councilwoman Seligson the Work Session was unanimously opened at 3:10PM.

WORK SESSION

Update Flood Control Projects

The Board met with Dolph Rotfeld of Dolph Rotfeld Engineering, to discuss the Town’s flood control projects at Bonnie Way and Cabot Road. The project for Bonnie Way involves the placement of a drainage pipe running from the culvert under Weaver Street thru the property on 584 Weaver Street and emptying approximately 80 feet downstream. This was a modification from the original proposal to run the pipe along the existing culvert, which was not approved by New York State.

An easement would have to be granted by the homeowner, as well as a permit by New York State to cross under Weaver Street. Mr. Altieri will make the initial contact with the homeowner at 584 Weaver Street.

As part of this discussion Louis Martirano, the Town Highway Superintendent asked the Board to also review a proposal by Bonnie Briar to accept the Town’s overflow water when the reservoir is drained prior to a heavy rain event. This is part of Bonnie Briar’s new irrigation system in which efforts are being made to mitigate their water usage through the recycling of water runoff.

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The Board then discussed the proposal to create a flume at the turn where Laurel Avenue and Thompson Street connect. There currently exists a 'box' into which the water flows but is ultimately stalled due to the corner angle of the existing 'box'. Creating an 'S' like flume inside the 'box' would create a better water flow and decrease backup. Dolf Rotfeld Engineers will be surveying for the project; noting that the Metropolitan Transportation Authority possibly owns the 'box'.

Easement Agreement – 29 Marbourne Drive

The Board discussed a proposed easement agreement that would potentially resolve an ongoing matter between the residents of 29 Marbourne Drive and the Town of Mamaroneck. The residents at 29 Marbourne Drive constructed a patio within a pre-existing easement. The easement was for Town sewer and storm water drainage lines. Due to the easement violation a summons was issued. The Town has been working with the homeowner to allow the patio to stay by relocating the sewage and storm water pipes at the homeowner's expense.

A discussion ensued regarding the legality of charging back a resident for the Town's attorney fees when a violation of a Town easement occurs and attorney time is involved. The Board would like to review this concept further and asked Mr. Maker and Mr. Altieri to calculate Mr. Maker's fee, based upon his work time on this matter.

Written Communications – Robert Herbst

The Board read communication from Mr. Herbst discussing a program called FitZees; a childhood obesity prevention program based in Rhode Island looking to expand to Westchester County. The Board felt a better venue for this would be through the school system, as well as the County level. Councilwoman Seligson will mention it to the County Board of Health, as she sits on their Board.

Revaluation

The Board discussed their commitment to review the RFP process during the month of November. Mr. Altieri will get copies of the RFP's used by other local municipalities for that discussion.

Televising Work Sessions

Councilman Odierna asked the Board to discuss televising the upcoming all day Budget Work Session. The Board agreed after discussion that this would be a good venue and an appropriate time to televise.

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Graffiti on the Weaver Street Bridge

The Town has recently been informed that the fencing along the bridge which is now riddled with graffiti is owned by the MTA but maintained by the Department of Transportation. Mr. Altieri is pursuing all avenues to resolve this unsightly condition.

On motion of Councilwoman Seligson, seconded by Councilman Fishman, the Board unanimously agreed to enter into Executive Session to discuss employment history of a particular person, and the potential purchase of Property.

EXECUTIVE SESSION

Employment History of a Particular person
Potential Purchase of Property

On motion of Councilman Odierna, seconded by Councilman Fishman, the Board unanimously agreed to re-enter the Work Session.

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O’Keeffe at 5:20PM she then pointed out the location of exits.

Supervisor O’Keeffe gave a brief synopsis of the discussion that took place during the open Work Session that began at 3:00PM. She noted the Board’s decision to televise the all day Budget Work Session on October 30th.

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

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1. FIRE CLAIMS

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

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

911 Wear	Service Award Badges (30)	\$ 705.00
911 Wear	T-Shirts	\$ 586.00
911 Wear	Uniform Shirts	\$ 360.00
911 Wear	Career Uniforms	\$ 258.00
AAA Emergency Supply Co.	Hose Couplings	\$ 490.00
AAA Emergency Supply Co.	Survivor Lights	\$ 325.00
AAA Emergency Supply Co.	Keyless Garage Tool	\$ 79.80
Brewer Hardware	Paint Supplies, Bulbs, -Credit	\$ 91.24
Brewer Hardware	Supplies	\$ 6.60
Cleaning Systems	Towels	\$ 122.00
Con Edison	Adjusted August '09 Bill	\$ 252.64
Con Edison	Adjusted Sept. '09 Bill	\$ 210.80
Con Edison	Adjusted July '09 Bill	\$ 191.71
Emergency Medical Products	Epi Pens	\$ 299.80
Excelsior Garage & Machine	Cylinder for E37	\$ 143.00
Larchmont Village Cleaners	Uniform Cleaning	\$ 11.00
NOCO Energy Corp.	Oil	\$ 100.00
Pitt Stop Auto Parts	Vehicle Supplies	\$ 49.80
Proftech	Office Supplies	\$ 194.82
United Water	Service 7/09-10/09	\$ 328.39
Vail Buick-Pontiac GMC	Handle for Tahoe	\$ 33.09
Verizon Wireless	Service 8/27-9/26/09	\$ 296.75
Villa Maria Pizza	Food for Colation Training	\$ 33.34
Westech Elevator	Oct. 2009 Maintenance	\$ 175.00
Winzer Corp.	Supplies	\$ 50.00

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W.J.W.W.	Water Service 6/09-9/09	\$ 113.28
Verizon	Telephone Service 9/10-10/9/09	\$ 264.60
Villa Maria Pizza	Food for Driver Training-9/6/09	\$ 66.32
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	Total:	\$ 5,837.98

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

The Commission noted the wonderful Weaver Street Fire House Open House. It was well attended as always. The Board thanked the Department for a great job.

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.

TAKEN OUT OF ORDER

ORAL COMMUNICATIONS

Ruth Campanelli, representing Larchmont Gardens’ Civic Association, addressed the Board. She announced that the annual Halloween Parade will take place on October 24th beginning at 3:45PM. She then asked if the installation of the swales was complete, as the loose rocks forming the swales seemed unfinished. She asked for comment on the recent rash of car break-ins, and finally, she asked for an update on the status of the sidewalk repairs and the Gardens’ Lake Project.

Mr. Altieri noted the swales will remain with loose stones, the Town will watch for any movement. As for the sidewalks along Brookside, the Town is working with the Performance Bond Company, but could end up in litigation if this approach does not prevail. The Police will be meeting next week with residents of the area to discuss the break-ins. As for the Garden’s

AFFAIRS OF THE TOWN

1. Submission of the 2010 Tentative Budget

Mr. Altieri gave an overview of the Budget Calendar. He noted this budget is very disciplined on the expense side with a very problematic revenue side in which the Town has less control. Mr. Altieri proceeded to summarize from his Budget Officer's Budget Letter as follows:

Budget Overview

The chart below provides a comparative schedule of the total appropriations and revenues for the 2009 Adopted Budget and 2010 Tentative Budget.

	<i>2009</i>	<i>2010</i>	<i>Change</i>
<i>Appropriations</i>	<i>\$30,008,725</i>	<i>\$30,044,117</i>	<i>\$35,392</i>
<i>Non-Tax Revenue</i>	<i>8,895,240</i>	<i>8,648,515</i>	<i>(246,725)</i>
<i>Reserve Application</i>	<i>2,047,330</i>	<i>1,849,400</i>	<i>(197,930)</i>
<i>Property Tax Levy</i>	<i>\$19,066,155</i>	<i>\$19,546,202</i>	<i>\$480,047</i>
<i>Overall Taxable Assessments</i>	<i>\$154,683,740</i>	<i>\$152,721,695</i>	<i>(\$1,962,045)</i>

Last year the increase in appropriations moving from 2008 to 2009 was just over \$1million. The tax levy also increased by just over \$1million. Moving into 2010 however the appropriations have for all practical purposes remained flat. The tax levy increase for 2010 is less than half of the increase in 2009 and as you can see from the chart is driven almost entirely by the reductions in non-tax revenues, reserve application and assessment reduction. You can see that even if revenues and assessments remained unchanged the tax levy for 2010 could very well have remained level or reduced. Later on we will discuss in greater detail the main components of the appropriations and revenues.

The following represents the expected property tax impact upon residents of the Villages of Larchmont and Mamaroneck and those living in the unincorporated Town of Mamaroneck. To again clarify, residents living in the two villages do receive select municipal services from the Town including ambulance service, certain property assessment services, recreation services and most recently the services of the newly consolidated Senior and Community Services Department and Section 8 Housing Voucher Program. The decisions relating to the Town assuming responsibility for Ambulance Service, Senior and Housing Services are the result of successful consolidation efforts that ultimately led to reductions in budgetary expenses for the two villages. The consolidation of services and the resulting apportionment of expenses over a larger tax base resulted in more efficiency in operations and greater value to the residents.

Residents living in the unincorporated Town receive all of the services mentioned above as well as other essential services including those of the Fire Department, Police Department, Highway Department, Sanitation Services, and Building Department Services. The schedule below compares the

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changes in the tax rates between 2009 and 2010 as well as the estimated tax for a property with an average assessment of \$20,000.

Impact Upon Unincorporated Area Properties

	2009	2010	Change
Property Tax Rate	\$257.55	\$265.15	\$7.65
Town Property Taxes	\$5,151.00	\$5,303.00	\$152.00

Impact Upon Properties in the Villages of Mamaroneck and Larchmont

	2009	2010	Change
Property Tax Rate ¹	\$14.25	\$17.60	\$3.35
Town Property Taxes	\$285.00	\$352.00	\$67.00

Expense Overview

Before moving into a discussion of expenses and revenues for each of the nine operating funds in the budget we wish to comment generally on expenses in this budget. As you review the budget you will find that the departments have been mindful of the need to hold the line on expenses. Many of the department budgets have come in at or below 2009 expense levels. Several categories of expenditures that impact virtually all of the budget funds are worth further comment here.

First, and new for this year is the Metropolitan Transit Authority (MTA) employer payroll tax imposed by the New York State Legislature. This new tax which is intended to assist the MTA with their expenditures has been imposed on all public and private employers in those counties in New York that receive MTA services. School Districts however have a different arrangement regarding this tax whereby they will be charged the tax but are suppose to receive the amount of the tax back in the form of state aid. For the Town of Mamaroneck this tax will amount to \$50,000 in new expenses.

Second is the issue of the New York State Retirement System. With minor exception all public agencies in New York State must offer the benefits of the New York State Retirement System to its employees. Contributions to the system by public agencies are determined by the Retirement System. At one time municipal employees hired after 1977 were required to contribute into the system however that contribution was lifted by the New York State legislature. Now new employees must contribute for only the first ten years of employment. The failure of the state to maintain a career long retirement contribution by employees has created an added burden to the local governments that must now bear the full cost of the pension system contributions.

What this means for the Town is that going into 2010 we have been advised that our contributions to the retirement system will increase by \$249,000 meaning our total appropriation for this expense will be \$1,560,000.

Two other expenses impacting virtually all of the funds are medical insurance and debt service. For 2010 the Town's total medical insurance costs will increase by \$135,000 to \$3.1 million. This is actually one of the lower increases in the past several years. All of the Town's collective bargaining agreements do include a requirement for some form of employee contribution ranging from 10% to 20%.

¹ Tax rate reflects the consolidated tax rates for the Ambulance District and Town wide General Fund both paid by all resident of the Town of Mamaroneck

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This year the Town's total debt service obligation will decrease by \$242,137 to \$1,658,936. Debt service reductions were realized in the Town wide Fund, Fire District, Sewer District and Water Fund. Debt increases occurred in the Part Town Fund, Highway Fund and Garbage District.

Lastly is the category of salary expense. In 2010 the total salary expense is estimated at \$12,973,297 an increase of \$317,232 over 2009. For 2010, the Town is at this time contractually committed to a 4.1% salary increase for the Town's police officers. This was a four year contract negotiated back in 2006. Appropriations for the police salary adjustment, account for over one third of the overall increase in 2010 salary appropriations. This year the Town entered into a new contract with its firefighters covering the years 2009, 2010 and 2011. The salary increase for the firefighters in 2009 was 2.5%. In 2010 the firefighters will receive another 2.5% increase followed by a 2.75% increase in 2011. The contract carries no other increases in compensation or benefits.

The collective bargaining agreement with the Office and Highway Department employees expires in December 31st of 2009. Employees in this bargaining unit are however receive in scale salary adjustments which must be accounted for in this budget.

The following is a rundown of the 2010 Tentative Budget by individual fund

Town-Wide General Fund

	2009	2010	Change
Appropriations	\$8,658,700	\$9,266,972	\$607,672
Revenues	\$5,412,340	\$5,470,315	\$57,975
Reserve Application	\$1,365,000	\$1,365,000	-0-
Tax Levy	\$1,881,360	\$2,431,657	\$550,297

The Town-wide General Fund includes all of the revenues and appropriations for services and programs provided to the entire Town including the two villages. For the coming year there have been some changes in the fund to reflect the additional services provided by the Town government to the entire Town.

2. Review of Budget Work Session Calendar

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

RESOLVED, to change the October 28, 2009 Budget Work Session from 4:00PM to 6:00PM.

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3. Authorization – Data Sharing Agreement – Westchester County

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

WHEREAS, the Town of Mamaroneck and the County of Westchester have been operating under a data sharing agreement that will expire on October 31, 2009, and

WHEREAS, continuing this agreement gives the Town of Mamaroneck the ability to improve the accuracy and detail of our GIS data base, which offers advantages for property assessment, infrastructure maintenance and public safety, and

WHEREAS, the term of the new agreement is November 2009 through October 2014.

NOW THEREFORE, BE IT

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

4. Authorization – License Agreement – Mamaroneck Youth Hockey Association

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

WHEREAS, the Town of Mamaroneck agrees to enter into an agreement with the Mamaroneck Youth Hockey Association (MYHA) to conduct ice skate sharpening at the Hommocks Ice Rink, and

WHEREAS, MYHA will be responsible for providing at their expense all the equipment, material and labor to conduct skate sharpening and will obtain all of the necessary permits for operating the skate sharpening facility for a term to expire May 2011, and

WHEREAS, this resolution is subject to a permissive referendum, to be published in the official newspaper of the Town of Mamaroneck.

The above resolution was put to a roll call vote:

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

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5. Approval of Certioraris

On motion of Supervisor O’Keeffe, 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:

Thomas C. LaGuidice
960 Mamaroneck Avenue
Mamaroneck, NY 10543

Block: 816 Lot: 1

Town of Mamaroneck/Village of Mamaroneck

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2008	\$24,000	\$17,800

The above resolution was put to a roll call vote:

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

Michael and Maria Lungariello
510 Center Avenue
Mamaroneck, NY 10543
Block: 825 Lot: 413

Michael and Maria Lungariello
422 Fayette Avenue
Mamaroneck, NY 10543
Block: 830 Lot: 142

Town of Mamaroneck/Village of Mamaroneck

Block: 825 Lot: 413

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2008	\$9,000	\$4,000

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Block: 830 Lot: 142

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2008	\$5,500	\$4,000

The above resolution was put to a roll call vote:

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

On motion of Councilwoman Seligson, 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:

Michael and Maria Lungariello
425 Center Avenue
Mamaroneck, NY 10543
Block: 830 Lot: 63

Town of Mamaroneck/Village of Mamaroneck

<u>Year</u>	<u>Current Assessment</u>	<u>Reduced Assessment</u>
2008	\$15,000	\$10,500

The above resolution was put to a roll call vote:

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

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6. Salary Authorizations

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the appointment of Raquel Arce as a full time Administrative Intern assigned to the Town Clerk’s Office to assist in the implementation of the Electronic Document Management System (EDMS), as well as Archives and Records Management and with the Assessor’s Office for assistance with the Village of Larchmont Assessment roll, effective September 29, 2009 thru September 28, 2010 at an annual salary of \$32,152.00, and

BE IT, FURTHER

RESOLVED, that with benefits Ms. Arce’s employment package totals \$42,767.00 with the Village of Larchmont reimbursing the Town for 3/5 or \$25,662.00 of this cost and the remaining cost to be budgeted through the Town Clerk’s Office in the amount of \$17,105.00, and

BE IT, FURTHER

RESOLVED, that said appointment to the Assessor’s Office is subject to final agreement with the Village of Larchmont.

The above resolution was put to a roll call vote:

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

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

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

Hommocks Pool effective retroactive to October 5, 2009

Taylor DelVillar	Early Morning Swim	\$25.00 per session
John Spader	Swim Instructor	\$12.00 per hour

Tiny Tot Time effective retroactive to October 8, 2009

Kathleen Reale	Instructor	\$45.00 per session
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Youth Hockey effective November 7

Joseph Carducci

Assistant Instructor

\$8.00 per hour

The above resolution was put to a roll call vote:

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

APPROVAL OF MINUTES - October 7, 2009

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board minutes from the meeting of, October 7, 2009 with the addition of the salary increases for Non-Union and Management personnel listed by salary amount and job title.

ORAL COMMUNICATIONS

Previously in Minutes

WRITTEN COMMUNICATIONS

None

SUPERVISOR'S REPORT

Supervisor O'Keefe attended the Summit meeting at which representatives from the County, as well as the Washingtonville Housing Alliance were in attendance to discuss the recent legal settlement regarding affordable housing in the County. The Summit also discussed their involvement with the planning of the Martin Luther King, Jr Celebration, scheduled for January 2010.

She announced the candidates' forum being held this evening at the Village of Mamaroneck's Court Room. She then commended Councilwoman Seligson for her presentation at the Senior Citizen's Candidate Forum, adding the seniors were transfixed with her information on water.

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REPORT OF TOWN CLERK

The Town Clerk reported that the Clerk's Office is very, very busy, adding the Clerk will be giving the Town Council a tour of the Town's archive and records room which has had a transformation over the last two years.

REPORT OF COUNCIL

Councilwoman Wittner noted the upcoming Long Island Sound Watershed Intermunicipal Council forum being held this coming Friday. Ralph Butler and Tom Lauro, Commissioners of Public Works and Environmental Facilities, will be presenting. They will discuss biological nutrient removal mandated at two, and ultimately at four, sewage treatment plants. They will also discuss many of the projects taking place for Long Island Sound.

Councilman Fishman reported that the Consolidation/Shared Services Committee continues its work, adding a final report is expected this January. A Traffic Committee Meeting is set for October 27th, and Housing Authority will meet at the end of the month.

Councilwoman Seligson reported on the second annual Paine to Pain run along the Colonial Greenway Trail. The Sound Shore Runners' Club ran the event. There were 192 runners, last year there were 50. She noted that trail races are not that common, and therefore drew from many areas. Councilwoman Seligson attended the Planning Council on October 14th. Councilwoman Seligson, as well as Councilwoman Wittner, Supervisor O'Keeffe, Councilman Odierna, Steve Altieri, attended the Westchester Municipal Officials Meeting on October 9th, at which Cheryl Lewy spoke.

Councilman Odierna spoke about the webinar he participated in today regarding technology and government, specifically the ability for officials throughout a County to partake in a visual conference. Councilman Odierna is delighted that the Budget Session will be televised. He did add that he would like to see more agenda items being offered electronically.

ADJOURNMENT

On motion of Councilwoman Wittner, seconded by Councilman Fishman the meeting was unanimously adjourned at 7:00 PM.

Submitted by
Christina Battalia, Town Clerk