

November 19, 2008

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF MAMARONECK HELD ON NOVEMBER 19, 2008 AT
8:15 PM IN THE COURT ROOM OF THE TOWN, 740 W. BOSTON
POST ROAD, MAMARONECK, NEW YORK**

PRESENT:

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

ALSO PRESENT:

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

WORK SESSION

2009 Budget

Tony Siligato the Town Comptroller was present. The Board discussed memorandums for the 2009 Capital Improvement Plan, the Debt Service Payments Amortized Over 20 Years, Debt Service Appropriations – 3 Year Budgetary Analysis by Fund and a Draft 2009 Preliminary Budget.

Larchmont Reservoir Pathway

Richard Ward, Village of Larchmont Trustee, advised the Board on the status of work being done via Con Edison along the entrance pathway to the Reservoir. He asked the Board to consider creating a permanent pathway for pedestrians coming from Bonnie Way and Sackets Circle. Approval would have to be granted by New York State for a path through the State right-of-way. The Board agreed to look into the possibility.

Miscellaneous Items

Councilwoman Seligson gave a report of the Planning and Zoning Board Meetings she attended. Of note were variances granted to 4 Rocky Hollow, applications for Five Guys Hamburger Restaurant and the Winged Foot subdivision. The Board asked Mr. Altieri to review the deed restrictions for the Rocky Hollow subdivision.

She also reported that the candidate for the Board of Architectural Review was unable to come this evening - that appointment should be deferred.

November 19, 2008

Councilman Fishman reported on the Housing Authority. Due to the fine stewardship of the Authority the Town will be receiving another payment in 2009.

Intersection of Myrtle and No. Chatsworth

Phil Cimino the Town Traffic Consultant reviewed with the Board the proposal for the illuminated signs at the intersection. The Board discussed placement and cost. The estimated cost would be approximately \$25,000 - \$30,000.

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

EXECUTIVE SESSION

Employment History

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O’Keeffe at 8:50PM she then pointed out the location of exits.

UPDATE FROM ASSEMBLYMAN GEORGE LATIMER

Supervisor O’Keeffe welcomed Assemblyman George Latimer, who dropped by this evening to address the Town of Mamaroneck residents. Assemblyman Latimer gave an update on the Town of Mamaroneck’s Home Rule Legislation, a bill currently in the Legislature to create a Special Parking District for resident on-street parking in Washington Square. Although already passed by the Assembly, it is highly unlikely that the Senate will vote on this before the new year. Therefore, the bill will have to be resubmitted. Assemblyman Latimer promised to have it immediately resubmitted in the Assembly. As for the State Budget, the only good news is the Governor has not discussed cutting direct aid to municipalities in his 2008/2009 budget cuts.

PUBLIC HEARING— Traffic Control – Murray Avenue, Myrtle Boulevard & North Chatsworth Avenue

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

November 19, 2008

NOTICE OF PUBLIC HEARING
Adjourned from October 1, 2008 and October 15, 2008

PLEASE TAKE NOTICE, that an adjourned Public Hearing will be held by the Town Board of the Town of Mamaroneck on November 19, 2008, 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 modifications to the intersection of Myrtle Boulevard and N. Chatsworth Avenue.

Purpose: To maintain or remove the “No Turn on Red” signs at each point in the intersection of Myrtle Boulevard and N. Chatsworth Avenue.

Purpose: To maintain or remove the “No Turn on Red” sign at the point where Murray Avenue terminates at Myrtle Boulevard which prohibits motor vehicles traveling south on Murray Avenue from making a right turn when the traffic-control signal located within Myrtle Boulevard at that point displays a steady circular red signal for southbound traffic on Murray Avenue.

Purpose: To create a “No Turn on Red” sign at the point where Murray Avenue terminates at Myrtle Boulevard which prohibits motor vehicles traveling west on Myrtle Avenue from making a right turn when the traffic-control signal located within Myrtle Boulevard at that point displays a steady circular red signal for westbound traffic on Myrtle Boulevard.

The full text of these recommendations 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**

Original Publication: September 20, 2008

On motion of Councilwoman Wittner, seconded by Councilman Odierna, the Public Hearing was unanimously reopened.

Mr. Altieri gave a brief history of the intersection and then introduced Phil Cimino the Town's Consultant. Mr. Cimino explained the new modification being recommended for the intersection. His recommendation is for the installation of an illuminated sign which will not allow a 'Turn on Red' when the exclusive

November 19, 2008

pedestrian walk phased is activated. This will be in effect at each corner of the Myrtle Boulevard and No. Chatsworth intersection.

The Board will also be installing a 'count down' walk signal, versus a 'walk' / 'don't walk' signal.

Supervisor O'Keefe asked if anyone wished to speak for or against the proposed modifications.

The following residents spoke in favor of the new modification:

Carol Aloise
Arnold Becker
Ronald Lenney
Mr. Kahan
Bill Zelenka
Wendy Paddock
Steve Anderson

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

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

RESOLVED, that the Mamaroneck Town Board hereby declares the adoption of the proposed Local Law "Control of Right Turns at the Intersection of North Chatsworth Avenue and Myrtle Boulevard" Law to be a Type II action under the New York State Environmental Quality Review Act (SEQRA) requiring no further action.

On motion of Councilman Fishman, seconded by Councilman Odierna, Local Law No. 10-2008 was adopted as written.

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 Wittner, seconded by Councilman Odierna, Local Law No. 10-2008 was unanimously rescinded as written.

On motion of Councilman Fishman, seconded by Councilman Odierna the following Local Law was adopted with the addition of an effective date of February 1, 2009:

November 19, 2008

Local Law No. 10 - 2008

This local law shall be known as the “Control of Right Turns at the Intersection of North Chatsworth Avenue and Myrtle Boulevard” Law

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

Section 1 – Purpose:

Currently there are “No Turn on Red” signs at the following three corners:

1. the corner formed by the intersection of the easterly side of North Chatsworth Avenue and the southerly side of Myrtle Boulevard which prohibits motor vehicles traveling north on North Chatsworth Avenue from making a right turn when the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard displays a steady circular red signal for northbound traffic on North Chatsworth Avenue,
2. the corner formed by the intersection of the easterly side of North Chatsworth Avenue and the northerly side of Myrtle Boulevard which prohibits motor vehicles traveling west on Myrtle Boulevard from making a right turn when the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard displays a steady circular red signal for westbound traffic on Myrtle Boulevard , and
3. the corner formed by the intersection of the southerly side of Myrtle Boulevard and the westerly side of North Chatsworth Avenue which prohibits motor vehicles traveling east on Myrtle Boulevard from making a right turn when the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard displays a steady circular red signal for eastbound traffic on Myrtle Boulevard.

At issue is whether these signs should remain or be removed, whether there should be a No Turn on Red sign prohibiting motor vehicles traveling south on North Chatsworth Avenue from making a right turn onto Myrtle Boulevard when facing a red light or whether there is another way to control right turns within this intersection. Under this law, right turns on red at each corner of this intersection would be prohibited during the exclusive pedestrian crossing phase but would be permitted at other times.

Section 2 – Installation of an Electronic Traffic-Control Signal:

An electronic traffic-control signal shall be installed at a point or points within the intersection formed by the intersection of North Chatsworth Avenue and Myrtle Boulevard as will provide optimal visibility for motorists entering that intersection. The signal will illuminate with a message either in words or in international symbols or both indicating that:

November 19, 2008

(a) Motor vehicles traveling west on Myrtle Boulevard when facing a steady circular red signal from the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard are prohibited from making a right turn,

(b) Motor vehicles traveling south on North Chatsworth Avenue when facing a steady circular red signal from the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard are prohibited from making a right turn,

(c) Motor vehicles traveling east on Myrtle Boulevard when facing a steady circular red signal from the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard are prohibited from making a right turn and

(d) Motor vehicles traveling north on North Chatsworth Avenue when facing a steady circular red signal from the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard are prohibited from making a right turn.

Such signal will illuminate and thereby prohibit right turns only when the exclusive pedestrian crossing phase for crossing North Chatsworth Avenue or Myrtle Boulevard shown on the "Don't Walk/Walk" signals within the intersection is activated. At other times a motor vehicle traveling in one of the directions described in paragraphs (a), (b), (c) and (d), above shall be permitted to make a right turn when facing a steady circular red signal from the traffic-control signal located within the intersection of North Chatsworth Avenue and Myrtle Boulevard.

Section 3 – Sign(s) to be Erected and Painting to be Done:

In addition to the electronic traffic-control signal, an appropriate sign or signs shall be erected on and/or above, and/or striping shall be painted on the surface of North Chatsworth Avenue and Myrtle Boulevard indicating where and when turning is prohibited by this law.

Section 4 – 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 5 – Effective Date:

This Local Law shall become effective upon the later of its filing with the Secretary of State or February 1, 2009.

November 19, 2008

The above resolution was put to a roll call vote:

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

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

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Comptroller to transfer funds, not to exceed \$40,000, for the implementation of Local Law No. 10-2008.

The above resolution was put to a roll call vote:

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

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O'Keeffe then on motion of Commissioner Seligson, seconded by Commissioner Wittner, 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 Seligson presented fire claims for authorization of payment, thereafter on Commissioner Seligson'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:

November 19, 2008

AAA Emergency Supply Co. Inc.	Air Compressor	\$303.45
AAA Emergency Supply Co. Inc.	Hydrotest	\$197.00
Avaya	Pagers	\$51.89
Cablevision	Monthly Cable	\$79.17
Christopher DeNisco	Gas Reimb.-Chief's Car	\$65.00
Cleaning Systems	Supplies	\$389.51
Cleaning Systems	Supplies	\$261.15
Con Ed	Utilities-Gas	\$491.25
Crown Trophy	Plaque	\$75.00
Inter-State Diagnostics	Physical Exams	\$8,799.00
John Pierce	Mileage Reimb.	\$73.72
Kussmaul Electronics Co.	Auto Pump	\$415.46
Pitt Stop Auto Parts	Auto Parts	\$69.00
Proftech	Office Supplies	\$281.12
Rickert Lock & Safe Co.	Lock Repair	\$110.00
Superior Backflow Testing	Backflow Prev. Testing	\$125.00
Tri-City Auto Parts	Auto Supplies	\$106.65
United Water	New Rochelle Water	\$306.81
Verizon Wireless	Cell Phones	\$268.11
Winzer Corp.	Supplies	\$50.00
Total:		\$12,518.29

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. Other Fire Department Business

Commissioner Wittner read the Fire Report for the Month of October, 2008 and the Service Awards Report for the Third Quarter of 2008, as submitted by Chief Commender as follows:

October 2008

<u>ALARM TYPE</u>	<u>NUMBER</u>
Generals	18
Minors	24
Stills	2
Out of Town (Mutual Aid)	3
EMS	23
Drills	2
TOTAL	72

Total Number of personnel responding: 775
Total Time working: 32 hours and 13 minutes

Service Awards Report – Third Quarter 2008

See end of Minutes as Appendix A

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

AFFAIRS OF THE TOWN

1. Appointment – Board of Architectural Review

Deferred

2. Authorization – Transfer of Funds – Telephone System Replacement

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

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Comptroller to make final transfers of \$5,180.00 from the Highway Fund Account # DB 9900.9901 into the Townwide Account # A 5033 and \$26,585.00 from the Fire District Account # SF 9900.9901 into the Townwide Account # A 5034 for the installation of the telephone system in the Town Center, Highway Garage and Fire Headquarters.

The above resolution was put to a roll call vote:

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

3. Approval of Certiorari

Deferred

4. Resolution – Westchester County Flood Program Grant

Mr. Altieri explained that in April of 2008 the Town submitted two grant requests for funding under the Westchester County Flood Action Program , one for flood control at the Gardens’ Lake the other for Cabot Road. The Gardens’ Lake project was accepted for further evaluation, but because there was no direct impact upon a County owned facility or County owned infrastructure, the Cabot Road project was rejected.

It was further explained that the current grant application is to remove an additional 8,500 yards of material from the Lake, bringing the total amount of dredge material to 11,000. It also includes the installation of an outlet structure (valve) at the southern end of the lake. This project would enable the Town to control the level of the Lake prior to and during heavy rain events, thus providing additional flood protection for the residents around the Gardens’ Lake as well as protection to residents and commercial properties downstream in the Town and Village of Mamaroneck. The project is estimated to cost approximately \$1.5 million, with funding proposed as follows:

Westchester County	\$700,000
Town of Mamaroneck	\$400,000
New York State	\$400,000

As part of the grant application process the Town Board is required to adopt a resolution to demonstrate its commitment to the project

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

WHEREAS, the Westchester County Department of Planning is accepting applications for funding under the Westchester County Flood Action Program; and

WHEREAS, the program as outlined by Westchester County is designed to assist local municipalities with capital improvements

November 19, 2008

necessary to reduce the incidents of flooding and limit the property damage that accompanies flooding; and

WHEREAS, the Town of Mamaroneck finds that flooding is indeed an issue that must be addressed in the community for the protection of its residents and property owners, and

WHEREAS, the Town of Mamaroneck has identified the Gardens Lake as a potentially critical resource for flood control in the Sheldrake River Basin; and

WHEREAS, the improvements at the Gardens Lake will noticeably reduce the inflow of storm water inflow in the Westchester County Sanitary Sewer adjacent to the Gardens Lake and also the improvements will help to protect the County owned bridge on Lakeside Drive from flood damage.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Mamaroneck hereby approves the application for funding under the Westchester County Flood Action Program for flood control improvements to the Gardens Lake and authorizes the Town Administrator to submit the application to the Westchester County Department of Planning 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

5. Authorization – Amended CDBG Agreement – Richbell Road Playground

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

WHEREAS, the Town was previously awarded a grant in the amount of \$75,000 towards the construction of the playground on Richbell Road, and

WHEREAS, the Town requested, and was approved for, additional funding in the amount of \$40,000 toward the total project cost of \$150,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the Supplemental Agreement to the Community Block Grant Agreement – Richbell Road Playground and authorizes the Town Administrator to executive the supplemental agreement to secure the additional funding on behalf of the Town, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Comptroller to transfer the Town’s share of the project in the amount \$35,000 from the Townwide General Fund unreserved account to Capital Project #27-08, account # H7197.4.7140.5007.

The above resolution was put to a roll call vote:

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

6. Salary Authorizations – Recreation

RECREATION

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

RESOLVED, that as provided for in the 2008 Town Budget the Town Board does hereby authorize the payment of salary to the following:

Hommocks Park Ice Rink

Jared Mayer	Alternate Manager	\$8.50/hour	effective retroactive to 10/24/08
-------------	-------------------	-------------	-----------------------------------

Hommocks Pool

Elizabeth Eney	Lifeguard	\$9.50/hour	effective 11/18/08
----------------	-----------	-------------	--------------------

Sophia Kravet	Early Morning Swim Lifeguard	\$25/session \$8.50/hour	effective 11/18/08
---------------	------------------------------	-----------------------------	--------------------

November 19, 2008

Caroline Spader Early Morning Swim \$26/session effective 11/18/08
Lifeguard \$10/hour

Youth Hockey

Chris Buly	Assistant Instructor	\$7/hour	effective retroactive to 11/18/08
Joseph Carducci	Assistant Instructor	\$7.50/hour	effective retroactive to 11/18/08
Jonathan Chapman	Assistant Instructor	\$8/hour	effective retroactive to 11/18/08
Dean Chiapparelli	Assistant Instructor	\$7/hour	effective retroactive to 11/18/08
Scott Hagan	Assistant Instructor	\$7/hour	effective retroactive to 11/18/08
Sean Hagan	Assistant Instructor	\$8/hour	effective retroactive to 11/18/08
Bryce Loebel	Assistant Instructor	\$7.50/hour	effective retroactive to 11/18/08
Michael Wojciechowski	Assistant Instructor	\$7/hour	effective retroactive to 11/18/08
Adam Zweig	Assistant Instructor	\$7/hour	effective retroactive to 11/18/08

The above resolution was put to a roll call vote:

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

APPROVAL OF MINUTES – November 5, 2008

On motion of Councilman Odierna, seconded by Supervisor O'Keefe and Councilwoman Wittner abstaining, it was

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board Minutes from the meeting of, November 5, 2008.

November 19, 2008

ORAL COMMUNICATIONS

Bryan Rohman of the Larchmont Gardens' Civic Association addressed the Board. He thanked the Board for the completion of the Stairwell. In light of discussion this evening regarding the Garden's Lake Project, he asked for an update on this project as well as the plantings proposed for the Brook. He notified the Board of resident disapproval with the change in the procedure for organic pick up. Mr. Rohman notified residents of the upcoming tree lighting ceremony on December 13th, at dusk.

The Board addressed the organic pick-up, noting that organic pick-up always ended in mid October. This year the County has been stricter in its enforcement of no organics after mid October, forcing the Town to be stricter as well.

Mr. Altieri reinforced that immediately following a storm the Town policy has always been, and will continue to be, that fallen branches will be picked up curbside.

As for the Brook planting, Mr. Altieri noted that the new timetable would be for the Spring of 2009.

WRITTEN COMMUNICATIONS and SUPERVISOR'S REPORT

Supervisor O'Keeffe read a letter from Barbara Geisler regarding property revaluation. She encouraged more residents to contact the Board directly with thoughts and questions about revaluation, further encouraging residents to move the conversation away from anonymous blogging to a more genuine dialogue.

She encouraged residents to watch for upcoming revaluation presentations at the Trustee Meetings for the Villages of Larchmont and Mamaroneck.

Supervisor O'Keeffe noted that the Board has been working very hard on the 2009 Budget, a Public Hearing is scheduled for December 3rd at 8:15PM.

REPORT OF COUNCIL

Councilwoman Seligson commented on the Planning and Zoning Board Meetings, noting some very complicated and difficult issues before them. She also noted how busy the Board has been in preparing the 2009 Budget. She attended the wonderful 'Fiesta' Dinner held by the Hispanic Resource Center. She will be attending the Board of Architectural Review tomorrow evening.

Councilman Fishman reported on the Housing Authorities sound finances, adding the Town will see the benefits of that financially in 2009. As for the Hommocks Apartments, the engineering report over the next ten years shows expenses well under what the Authority has set aside. He attended the Traffic Committee Meeting, noting much discussion regarding the Village Square proposals. The Traffic Committee is discussing an interesting proposal to address speeding on Glenn Road.

November 19, 2008

Councilwoman Wittner attended the Westchester Municipal Officials Meeting hosted by Rye Brook. Coastal Zone Management Committee is rescheduled for December 3rd, noting she will be unable to attend due to the conflict with the Town Board Meeting.

Councilman Odierna noted the Human Rights Commission Meeting has been rescheduled for November 24th. The Ice Rink continues to be a busy place, adding Santa will be visiting for breakfast on December 21st.

Supervisor O’Keeffe informed the audience that Liz Covington, the Village of Mamaroneck’s Senior Center Director, has fallen ill and is now at Greenwich Hospital. She is in all of our thoughts and we wish Liz a speedy recovery.

ADJOURNMENT

On motion of Supervisor O’Keeffe, seconded by Councilwoman Wittner the meeting was unanimously adjourned 11:00 PM.

**Submitted by
Christina Battalia, Town Clerk**