

December 3, 2008

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON DECEMBER 3, 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

Town Website

Tiffany Torres, of Brian Foy Consulting, was present to discuss her company’s redesign of the Town Website. Ms. Torres discussed the feedback from the Department Head questionnaire as well as from individual Department Head meetings. She presented her finding of resident access to the Town website, specifically total ‘hits’, page views per day and visitors by IP’s. The Board reviewed possible page layout and asked for a website ‘mock up’ for further review.

Safe Routes to School

The Board discussed a memo from Mary Stanton, in which she asked the Board to consider using the anticipated payment of funds in the amount of \$40,000 from the Housing Authority, to help finance the installation of new sidewalks and curbs at Hommocks School. The proposed sidewalks and curbs would run along Town property in front of *Blockbuster*. Ms. Stanton reminded the Board that Safe Routes to School was denied grant monies from the Department of Transportation, to which they had applied and the Town endorsed. After the denial, Kim Larson of Safe Routes to School appeared before the Board, requesting the Town consider installing the Hommocks’ sidewalk as a needed safety issue. The Town Superintendent of Highway has estimated the project to cost \$25,567 and has provided a sketch of the proposal. The Board agreed to the concept but specified final approval would not take place until the Town receives the Housing Authority payment.

On motion of Councilman Fishman, seconded by Councilwoman Seligson, the Board unanimously agreed to enter into Executive Session to discuss Certiorari.

EXECUTIVE SESSION

Certiorari

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O’Keeffe at 8:15PM she then pointed out the location of exits.

FIRE DEPARTMENT CITATIONS

Supervisor O’Keeffe welcomed Fire Department Chief David Commender and Deputy Chiefs Sean McCarthy and Brendan Collins. The Town has awarded a Unit Citation to the Fire Department as follows:

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UNIT CITATION

FIREFIIGHTERS OF THE TOWN OF MAMARONECK

- WHEREAS:** On the weekend of November 22, 2008 in an unprecedented 18-hour period the Town of Mamaroneck Fire Department battled 3 working fires; and
- WHEREAS:** The fires located at Harmon Drive, Premium Point, and Myrtle Boulevard tested the skill, professionalism, and commitment of our volunteer and career firefighters in fighting these fires; and
- WHEREAS:** The fires were extinguished without serious injury to our residents or firefighters.

NOW, THEREFORE, BE IT RESOLVED, that I, Valerie Moore O’Keeffe, Supervisor of the Town of Mamaroneck, and the Town Board members hereby enthusiastically commend all of the members of the Town of Mamaroneck Fire Department for their hard work and dedication on the weekend of November 22, 2008 in protecting the property and lives of the residents of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Mamaroneck to be affixed this 3rd day of December 2008.

Certificate of Appreciations were also awarded to the Town Police as well as the Firefighters who assisted the homeowner to safety.

PUBLIC HEARING — 2009 Preliminary Budget
Handicapped Parking Space – Copley Road
No Parking Zone – Murray Ave
Regulation of large Propane Tanks

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

PUBLIC HEARING – 2009 Preliminary Budget

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck, New York on Wednesday, December 3, 2008 at 8:15 PM in the Court Room of the Town Center, 740 West Boston Post Road, Mamaroneck, New York to consider the Town of Mamaroneck’s Preliminary Budget for the calendar year commencing January 1, 2009 and ending December 31, 2009. All citizens are invited to attend and provide the Board with written and oral comments and ask questions concerning the preliminary budget. The entire preliminary budget can be inspected by the public from 8:30 AM to 4:30 PM, beginning Monday, December 1, 2008, in the Town Clerk’s Office, Town Center, 740 West Boston Post Road, Mamaroneck, New York. Copies of the Preliminary Budget will also be available at the Town Clerk’s Office.

PLEASE TAKE FURTHER NOTICE, that the proposed salaries of the members of the Town Board are as follows: Supervisor \$37,500; Town Council (4) \$6,000 each and the proposed salary for the Town Clerk is \$82,000 and the Town Justices (2) \$21,000.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF MAMARONECK**

**CHRISTINA BATTALIA
TOWN CLERK**

Published: November 26, 2008

December 3, 2008

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

Supervisor O’Keeffe asked the Board to take a recess of the Public Hearing and to enter a motion to convene as Fire Council while the Chiefs were in attendance.

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O’Keeffe and on motion of Commissioner Wittner, seconded by Commissioner 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 Seligson presented fire claims for authorization of payment, thereafter on Commissioner Wittner’s motion, seconded by Commissioner Odierna, it was

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

AAA Emergency Supply Co. Inc.	Air Compressor & FF Equip.	\$	1,108.00
AAA Emergency Supply Co. Inc.	Fire Fight. Equip.	\$	751.00
AAA Emergency Supply Co. Inc.	Scott Pac Repair	\$	484.83
AAA Emergency Supply Co. Inc.	Safety Vests	\$	299.70
AAA Emergency Supply Co. Inc.	Fire Fight. Equip. Repairs	\$	225.00
AAA Emergency Supply Co. Inc.	Fire Fight. Equip.	\$	191.25
AAA Emergency Supply Co. Inc.	Fire Fight Equip.	\$	147.25
AAA Emergency Supply Co. Inc.	Fire Hose Repair	\$	60.00
AAA Emergency Supply Co. Inc.	Fire Hose	\$	40.00
Austin Hardware	Eng 37 Supplies	\$	43.00
AW Direct	Ladder 19	\$	121.34
Brewers	Spring Fish Scale	\$	29.68
Cablevision	Cable TV	\$	79.17
Fire end & Croker	Hoods & Suspenders	\$	449.61
IKON	Copier	\$	212.13
Keith Napolitano	Textbooks	\$	88.33
Larchmont Yacht Club	Inspection Dinner	\$	10,544.80
Motorola	Pagers	\$	156.00
Poland Springs	Drinking Water	\$	98.58
Proftech	Chair	\$	174.00
Proftech	Office Supplies	\$	142.42
Proftech	Office Supplies	\$	14.84
TMFD	Reimb. for Food 11/21 & 11/22	\$	167.72
TOMPFFA	Life Ins. Premium	\$	220.08
Total:		\$	15,848.73

The above resolution was put to a roll call vote:

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

2. Other Fire Department Business

Commissioner Wittner read the Fire Report for November, as submitted by Chief Commender. She also noted the Fire Department's Annual Toy Drive, adding all unwrapped toys can be brought directly to the Weaver Street Fire House, as well as the Ice rink on December 14th for the 'Skate with Fire Fighters' event.

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

The Public Hearing reconvened.

Mr. Altieri presented the 2009 Town Budget with a PowerPoint presentation as follows:

2009 Preliminary Town Budget at a Glance

	2008	2009	Change
Revenues			
Tax Levy	\$ 18,323,305	\$ 19,066,155	\$742,850
Non-Property Tax Revenues	8,538,400	8,895,240	56,840
Applied Reserve Funds	<u>2,277,640</u>	<u>2,047,330</u>	(230,310)
Total	\$ 29,138,745	\$ 30,008,725	

	2008	2009	Change
Expenditures			
Salaries	\$11,965,945	\$12,656,065	\$690,120
Equipment	367,290	342,700	(24,590)
Contractual Expenses	14,593,745	15,094,915	501,170
Debt Service	<u>2,211,765</u>	<u>1,915,045</u>	(296,720)
Total	\$29,138,745	\$ 30,008,725	

The Preliminary Budget proposes to increase expenditures by \$869,980. This compares quite favorably to 2008 when expenditures rose by \$1,662,660. Based upon the revenues and appropriations included in the 2009 budget, property owners in the Town will realize the following change in property taxes. The schedule distinguishes the impact upon properties in the Villages of Mamaroneck and Larchmont and the unincorporated area of the Town.

Impact Upon Unincorporated Area Properties

	2008	2009	Change
Property Tax Rate	\$251.55	\$257.50	\$ 5.95
Town Property Taxes ¹	\$5,031.00	\$5150.00	\$119.00

Impact Upon Properties in the Villages of Mamaroneck and Larchmont

	2008	2009	Change
Property Tax Rate ²	\$10.20	\$14.25	\$4.05

¹ Calculation of property taxes is based upon a property with an average assessment of \$20,000

² Property tax rate is a combined tax rate that includes the Townwide tax rate and Ambulance District tax rate both of which are levied upon all properties in the Town of Mamaroneck

**Town Property
Taxes in Villages³ \$204 \$285 \$81.00**

The adjustment in taxes for Village taxpayers proposed for 2009 will be the first increase in four years. The Townwide tax has actually declined in each of the last four years.

Because of the New York State statutes regarding Town services and Town budgeting there is often confusion as to why one group of residents of the Town appears to pay so much less in property taxes than another. The Town budget is comprised of nine operating budget funds. Each fund operates independently and includes separate revenues and expenditures. Residents living in the Villages of Mamaroneck and Larchmont receive certain Town services including recreation services, assessment services, election services, and ambulance service. In 2009 the list of services to Village residents will increase to include Senior Services and Community Services as well as Section 8 Housing Voucher Services. As will be explained later the services taken over from the Village were a major driver of expenditure increases in the Townwide General Fund.

Residents of the unincorporated Town not only receive the aforementioned services but also receive all of the essential municipal services including police, fire, and garbage and recycling collection, snow removal, sewer service and land use services. Revenues and expenses for these services are accounted for in the seven remaining budget funds that apply only in the unincorporated area of the Town.

Each year as the budget is prepared we attempt to look at expenses on a multi-year basis to avoid large fluctuations in revenue and expense estimates. Budgets prepared in this fashion assure against large spikes in property tax adjustments from year to year which is generally more acceptable to taxpayers. This year in the Townwide Fund it was difficult to avoid a larger fluctuation due to severe revenue reductions and the increase in expenditures resulting from the service consolidation.

Where the Money Will Come From?

Non-property tax revenues are expected to total \$8.9million in 2009 and fund roughly 30% of the Town budget. In 2008 non-property tax revenues used to offset property taxes increased by \$690,000. For 2009 we estimate that these same revenues will rise by half that amount; increasing by only \$345,000. The significance of this change is felt most in the Townwide budget where we account for mortgage tax and investment income revenue.

Mortgage tax revenue estimates have been scaled back from \$1.4million to \$1.2million in light of the downturn in housing sales. Investment income is expected to decrease from \$610,000 to \$455,000 in 2009 also because of the current economic conditions. These two sources of income comprise roughly 25% of our non-tax revenue. Therefore a reduction of \$355,000 in revenue produces a significant impact upon the budget.

The Town also receives a portion of total sales tax revenue earned in Westchester County. Sales tax is apportioned to Towns and Villages on a per capital formula. Sales tax revenue has remained relatively stable through 2008 which we believe is attributable to sales tax revenues from the sale of gasoline and diesel fuel when fuel prices were at or above \$4.00 per gallon. Based upon payments received to date and because of our conservative estimates from prior years we are proposing to leave expected sales tax revenues at \$1.3 million for the coming year.

While other sources of revenue are not impacted as severely as the mortgage tax and investment income ,overall performance is expected to be fair. For instance, revenue estimates for land use and construction permits have either been reduced or left unchanged from 2008 in light of the economic conditions at this time.

Aid from New York State is very uncertain at this time due to the expected deficit in the New York State Budget and the talk of cutbacks to aid to schools and municipalities. Because of the precarious nature of aid from the state we have always been conservative in our budget estimates. By following this practice we are able to soften the impact of aid reductions in any given year. Although there have been minor increases in aid in the last two years we continue to carry in the budget an

³ Calculation of property taxes is based upon a property with an average assessment of \$20,000

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estimate of \$135,000 which dates back several years. Should there come a time when the Town can rely upon a more stable increase in state aid, we will revise our estimates.

Under the category of State Aid and grants, the consolidation of the Senior and Community Service Programs will produce new revenues for the Town. The Town will assume grant contracts for the newly consolidated nutrition center program, meals-on-wheels program, and transportation program for senior citizens. The grants are expected to generate \$61,000 in aid from Westchester County. In addition there will be another \$50,000 in fees and charges generated by the programs. The new revenues will offset 30% of the total program costs.

While the on the whole the revenue picture is down there are some revenue increases worthy of note. Revenues from parking fees are expected to increase from \$180,000 to \$300,000 in the coming year. Most of this is attributable to the new parking deck on Myrtle Boulevard which should be completed in April of 2009. The deck will provide approximately forty new parking spaces that will be used for resident and daytime parking. New parking fees are also planned for 2009 when the New York State Legislature is expected to permit the Town to allow resident only parking on the streets in Washington Square. Lastly the Town will obtain eleven new parking spaces for daytime use on Byron Place.

Recreation Department revenues will again increase in 2009 by approximately \$75,500 to \$1.8million. Continued success at the Hommocks Ice Rink is expected to result in more revenue from ice rentals and general public sessions. There has also been renewed interest in our house hockey program. In total Ice Rink revenues are expected to total \$840,000 in 2009, an increase of \$74,000. Pool revenues will increase by \$30,000 as we expect that in 2009 the pool will operate for a complete summer and winter season. This past year the pool season was interrupted by the renovation of the locker rooms and pool facility. The increases in pool and ice rink revenues will be offset however by expected decreases in revenues for some of our youth and summer programs. Also general recreation charges are expected to remain unchanged in 2009.

In the category of departmental income the single largest increase will be in the Ambulance District where charges are expected to increase from \$600,000 to \$625,000. The adjustment is due to an increase in the number of ambulance calls and increases in reimbursement rates from Medicare and health insurance providers.

The property tax, as the single largest revenue source to the budget must be mentioned in this discussion. For 2009 the Town's taxable property assessments decreased by over \$500,000. A reduction of \$650,000 in the assessment role produces a one percent increase in the tax rate. This will now be the third consecutive year that taxable assessments have decreased. The decreases in the assessment role will continue as long as commercial and residential property owners are able to succeed in appealing their assessments. Property owner's, particularly commercial property owners, are able to successfully appeal their assessments because of the failure of the assessment role to accurately relate to a property's market value. The problem is further aggravated by the fact that as property assessments are reduced through the appeal process the property taxes lost on various properties must be absorbed by other property owners. The solution to this problem is property revaluation which will produce a more stable and equitable apportionment of property taxes among property owners and reduce the potential for large reductions in assessments.

Lastly, we want to touch upon the application of unreserved funds or surplus funds as a funding source to the budget. Surplus funds are necessary to maintain the Town's credit worthiness and to adequately provide for:

- 1. Economic uncertainties*
- 2. Local disasters and other financial hardships*
- 3. Contingencies for unforeseen operating or capital needs*
- 4. Cash flow requirements in connection with the collection and guarantee of County and School District Taxes*

For 2009 we have proposed the application of \$2.04 million in surplus funds, a decrease of \$230,000 from 2008. Surplus funds are generally derived from greater than expected revenues or unexpended appropriations. Our decision to reduce the

application of surplus is due to expected decreases in revenue sources. Also with reductions in expense lines the potential for outstanding expense account balances is unlikely.

Where will the Money Go?

As mentioned earlier expenditures for all funds of the Town government will increase by \$869,980 for next year. The Town's budget for 2009 for the major budget categories are as follows:

	2008	2009
• Salaries	\$11,965,945	\$12,656,065
• Equipment	367,290	342,700
• Contractual Expenses	14,593,745	15,094,915
• Debt Expense	2,211,765	1,195,045
•		

The following is an explanation of the major budget program highlights for 2009.

Consolidation of Senior Center/Community Service/Section 8 Programs

Earlier this year the Town and Village Mamaroneck began discussions on a concept of consolidating programs relating housing, senior and community services. For a number of years the Town and Village have operated these activities with separate offices and separate staffs. Currently the Village of Mamaroneck operates separate offices for Section 8 Housing Administration and Community/Senior Services. The Town also operates a Section 8 Housing Office and Community Services Office but the two functions are provided in one office using the same staff.

Under the plan approved by both the Town and Village Board the Town will now operate a consolidated Housing and Community Service office to provide services to all Town residents including the Villages of Larchmont and Mamaroneck. The consolidation of the Community Service component of the new office will save over \$50,000. Of equal importance is the fact that new and more diverse programming will be available to the senior residents of the community. In order for the Town to operate the new office however there is an initial increase in expenses of \$264,000. The increased costs relate to the addition of one full time staff person and seven part time staff positions as well as additional operating expenses for food service and programming.

Police Department Expenses

Expenditures in the Police Department in 2009 will rise by \$198,000. The bulk of the increase is directly related to the Town's contractual commitments to salary increases provided in the collective bargaining agreement. However within the increase is also an allowance of \$15,000 for a part time parking enforcement officer which will be new to the budget. With the expansion of parking on Myrtle Boulevard in the new parking deck and changes to on street parking an enforcement officer is needed to provide for better parking management.

Employee Benefits

Overall, employee benefits will increase by \$191,000 to \$5.9million. The increase in this expense is fortunately smaller than in previous years. Our retirement contributions will actually decrease slightly in 2009 as will our costs for worker's compensation insurance. Cost increases are anticipated for medical insurance, dental and optical insurance. All of our collective bargaining agreements include requirements for contributions to health insurance benefits.

Increased Energy Costs

The Town's cost for electricity, gasoline, diesel fuel, and natural gas are expected to increase by \$150,000 in 2009 to a total of \$938,000. We have been advised by the New York State Power Authority to expect a 20% to 24% increase in electric rates in 2009. Electricity accounts for \$450,000 of our total energy costs.

Fuel costs for our vehicles accounts for just over \$300,000 of our total energy cost. Fuel expenses were difficult to estimate for the upcoming budget year. Within a four

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month period we have observed both the highest and lowest pricing in a number of years. How fuel pricing will change in the next year is anybody's guess. It is clearly plausible however, that if economic performance improves in 2009 an increase in oil prices are possible. Therefore we took an average of pricing during the summer months and applied that to our estimates for next year.

To combat the cost of fuel, the Town is proposing steps to reduce consumption. By the end of 2008 we will convert our second garbage truck to run on vegetable oil. Together the two vegetable oil garbage trucks will reduce our diesel fuel consumption by over 4,000 gallons. In the capital budget we are proposing the purchase of two compact cars for use by administrative and inspection personnel. Previously we have used old police vehicles for this purpose however even at the current price of fuel we believe the return on the investment in smaller vehicles will be realized within two or three years.

Transition to Full Time Comptroller

With the decision by the Village of Larchmont to hire the former shared Town/Village Comptroller on a full time basis the Town needed to transition to a full time comptroller. The cost for the additional salary and benefits is \$50,000. We have however expanded the scope of work for the position to include the management of the Town's technology systems. Placing this additional responsibility within the Town Comptroller's prevue should produce savings down the road for management of the Town's technology systems.

Off Street Parking Improvements

The 2009 Budget sets aside \$40,000 for improvements to off street parking facilities on Myrtle Boulevard. In commuter parking lot #1 we will eliminate older parking meters and replace them with parking machines found in many parking lots today. The parking machines are easier to use and will be more convenient to commuters who will no longer have to carry pockets full of change each day. New short term parking meters are also planned for the new parking spaces on Byron Place and on Myrtle Boulevard and Madison Avenue.

Capital Improvement Plan

Earlier in this letter we noted that all capital projects scheduled for 2008 that required the borrowing of funds were deferred. This was to avoid an expense in the 2009 Budget and to take advantage of future decreases in overall debt expense. Capital projects however if deferred to long result in higher costs in the future. Therefore you will see that many of the projects proposed for 2009 are holdovers from 2008.

The Town's proposed capital improvement plan for 2009 totals \$2.9 million. Included are the following projects:

<i>1. Replacement of Police Vehicles</i>	<i>\$ 50,000</i>
<i>2. Purchase of compact vehicles</i>	<i>\$ 24,000</i>
<i>3. Replacement of Refuse Packer</i>	<i>\$ 185,000</i>
<i>4. Replacement of Highway Dept. Equipment</i>	<i>\$ 495,000</i>
<i>5. Road Resurfacing and Curb Replacement</i>	<i>\$ 370,000</i>
<i>6. Sanitation Commission Building⁴</i>	<i>\$ 300,000</i>
<i>7. Renovations to Senior Center</i>	<i>\$ 425,000</i>
<i>8. Baldwin Avenue Sewer Pump Station</i>	<i>\$ 65,000</i>
<i>9. Highway Garage Electrical Repairs</i>	<i>\$ 64,000</i>
<i>10. Flood Mitigation Projects</i>	<i>\$ 700,000</i>
<i>11. Information System Improvements</i>	<i>\$ 238,000</i>

To finance the 2009 capital projects the Town Board has appropriated \$349,000 in the proposed Budget which is a decrease of \$225,000 from last year's appropriation.

Generally speaking annually recurring projects should be financed with budget appropriations. The objective is to reserve the issuance of bonds for those projects that are not done each year or for projects that have a useful life of ten or more years. Therefore the Town intends to issue \$2.7million of debt to finance the majority of the

⁴ This project is a joint project of the Town of Mamaroneck and the Village of Larchmont. The amount listed is the Town's share of the project.

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capital project list. Also we are looking forward to grant funds to subsidize roughly 50% of the senior citizen center renovation.

Debt Expense

Lastly, we would like to touch upon the Town's debt expense. Currently the Town's total outstanding debt inclusive of interest expense is \$13.9 million which is a decrease of just under \$3 million. Our outstanding debt is very low for communities of our size and that is in part due to our reluctance to borrow frequently or for recurring projects.

Our total principle and interest payments for 2009 will be \$1.9million, a reduction of \$300,000 from 2008. Earlier it was mentioned that the Town deferred most of its 2008 capital projects to avoid an increase in debt expense in 2009. In 2010 our debt will again decrease but this time the decrease will be over \$550,000. Therefore our proposal is to borrow funds for capital projects in 2009 for which the debt expense will not be realized until 2010. Even with this new borrowing our total debt will still be down by approximately \$270,000. This plan will maintain debt expense at a relatively low level within the Town Budget.

This brings to a close our discussion and presentation of the 2009 Preliminary Town Budget. We know that the coming year will present many challenges as we fulfill our responsibility to provide municipal services in what could be a difficult economy. However, rather than make hasty decisions that could drastically change the character and expectations of the community, the Town has developed an even and considered budget that provides all current services with minor tax adjustments. It will be our responsibility to closely monitor economic conditions in 2009 and react accordingly to provide greater value to the community.

Supervisor O'Keefe asked if anyone wished to speak about the Budget.

The following residents had questions for the Board.

Greg Sposito, 8 Grove Ave
Mike Clayborn, 331 Stanley Ave
Abby Katz, 40 Cooper Lane
Harriett Klein, Larchmont Gazette

Mr. Altieri introduced the Town Comptroller Anthony Siligato. Mr. Siligato gave an overview of the proposed Information Technology proposals.

The Board thanked Mr. Altieri and Mr. Siligato for their hard work and for Mr. Altieri's excellent presentation.

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

RESOLVED, that the Mamaroneck Town Board does hereby adjourn the Public Hearing on the 2009 Preliminary Town Budget until December 17, 2008.

PUBLIC HEARING — Handicapped Parking Space – Copley Road

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

NOTICE OF PUBLIC HEARING

Handicapped Parking Space on Copley Road near the Alden Road Apartments

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on December 3, 2008 at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740

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W. Boston Post Road, Mamaroneck, New York to consider establishing a Handicapped Parking Space on Copley Road near the Alden Road Apartments

Purpose:

The Town Board will consider a Traffic Committee recommendation to for a Handicapped Parking Space on Copley Road near the Alden Road Apartments

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: November 12, 2008

Supervisor O'Keeffe asked Mr. Maker to present his findings.

Mr. Maker stated that his legal opinion is that a handicapped parking space cannot have an hourly restriction that differs from non handicapped spaces on the same street. Therefore, because there is no time limit on parking on Copley Road, there cannot be any time limit for a designated handicapped space on Copley Road.

Based on Mr. Maker's comments, the Board decided not to pursue this Traffic Committee recommendation.

Councilman Fishman stated that if it wished, the Traffic Committee could review time restrictions on Copley Road.

Sandra Taylor, 11 Alden Road, addressed the Board. Ms. Taylor stated that it is because of her son and father, who are handicapped, that she appeared before the Traffic Committee asking for the handicapped space. She strongly urged the Board to reconsider. She does not understand why there would or should be any time restrictions on the handicapped space, adding she did not think it would be 'abused' by one individual. She further stated that she believes there to be very few handicapped parkers in the area.

The Board responded that they are reluctant to create a handicapped parking space that could effectively be used by a single individual who would not be required to ever move his or her car, adding that would be unfair to other handicapped parkers in the area.

Councilman Fishman added that the Traffic Committee's understanding is that the Alden Road Apartment's have chosen not to provide its residents with a handicapped space.

PUBLIC HEARING — No Parking Zone – Murray Ave

The following Notice of Public Hearing was entered into the record as follows:

NOTICE OF PUBLIC HEARING
No Parking Zone on Murray Avenue near Forest Ave

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on December 3, 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 adoption of a No Parking Zone on Murray Avenue near Forest Ave.

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Purpose:

The Town Board finds that on school days, vehicles parked on both sides of Murray Avenue make it difficult and dangerous for traffic to proceed along Murray Avenue. It is anticipated that by prohibiting parking on one side of Murray Avenue at certain times and on certain days, traffic flow and safety will be improved.

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: November 18, 2008

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

Supervisor O'Keefe asked if anyone wished to speak for or against this Local Law.

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

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

Local Law No. 11 - 2008

This local law shall be known as the "Restricted Parking on Murray Avenue near Forest Avenue" Law.

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

Section 1 – Purpose:

The Town Board finds that on school days, vehicles parked on both sides of Murray Avenue make it difficult and dangerous for traffic to proceed along Murray Avenue. It is anticipated that by prohibiting parking on one side of Murray Avenue at certain times and on certain days, traffic flow and safety will be improved.

Section 2 – Regulation of Parking on a section of Murray Avenue:

On school days, from September 1st of each year to and including June 30th of the immediately following year, no vehicle shall be parked between the hours of 8:00AM and 4:00PM on the section of the west side of Murray Avenue which starts at the intersection of the westerly side of Murray Avenue and the southerly side of Forest Avenue and extends a distance of one-hundred fifty (150) feet north of that intersection.

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

An appropriate sign or signs shall be erected on and/or above, and/or striping shall be painted on the surface of Murray Avenue indicating where and when parking is prohibited by this law.

December 3, 2008

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 filing with the Secretary of State.

PUBLIC HEARING – Regulation of Large Propane Tanks

The following Notice of Public Hearing was entered into the record as follows:

NOTICE OF PUBLIC HEARING
“Regulation of Large Propane Tanks” Law
Adjourned November 19, 2008 for December 3, 2008

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on November 5, 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 “Regulation of Large Propane Tanks” Law.

Purpose:

Over the Memorial Day weekend, a leaking underground propane tank was detected. Due to the professionalism of the Town’s personnel, the propane tank was emptied and the leaking gas burned off without injury either to person or property. If this corrective action had not been taken, the tank may have exploded and caused damage not only to the home on which the tank was installed but to neighboring properties and people as well.

Because of the poor condition of the tank, it took over 24 hours for the gas to be burned off. Throughout this time, Town personnel were required to remain on site, causing the Town to incur thousands of dollars in overtime compensation. The cost would have been even higher had not so many of the responders been volunteers willing to sacrifice their time on a holiday weekend.

This incident has alerted the Town Board to the necessity of examining the use of propane and other hazardous substances within the Town, and if warranted, developing regulations to control such use and a procedure for recovering the cost incurred by the Town for responding to the discharge of propane or other hazardous substances within the Town. In order to study the issue, the Town Board has determined that it is necessary to impose a moratorium upon the installation of propane tanks with a capacity for 50 or more pounds of propane.

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: October 18, 2008

It was noted that the Board is awaiting further information from Ron Carpaneto the Town's Superintendent for Buildings.

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

RESOLVED, that the Mamaroneck Town Board does hereby adjourn the Public Hearing on the "Regulation of Large Propane Tanks" Law until January 21, 2009.

TAKEN OUT OF ORDER

ORAL COMMUNICATIONS

Greg Sposito, 8 Grove Avenue, addressed the Board. He is a member of a group of homeowners who are in favor of revaluation. He praised the Board for their efforts so far and encouraged them to continue.

The Board thanked Mr. Sposito for his comments and encouraged him to continue attending the various meetings being held regarding revaluation.

TAKEN OUT OF ORDER

AFFAIRS OF THE TOWN

4. Approval of Certiorari

Mr. Maker explained that because of the nature of this property, the Town engaged Laurence A. Hirsh of Golf Property Analysts, a specialist in valuing unique properties such as golf courses, to appraise this property.

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

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

Winged Foot Holding Corp. and Winged Foot Golf Club, Inc.

851 Fenimore Road
Mamaroneck, NY 10543

Block: 344 Lot: 99
Block: 347 Lots: 1/1 and 1/2
Town of Mamaroneck

Block: 344 Lot: 99 (Scarsdale School District)

<u>Year</u>	<u>Current Assessment</u>	<u>Reduced Assessment</u>
2003	\$7,400	\$5,960
2004	\$7,400	\$5,960
2005	\$7,400	\$5,490
2006	\$7,400	\$4,990
2007	\$7,400	\$4,380
2008	\$7,400	\$4,380

Block: 347 Lot: 1/2 (Scarsdale School District)

<u>Year</u>	<u>Current Assessment</u>	<u>Reduced Assessment</u>
2003	\$144,500	\$117,280
2004	\$144,500	\$117,280

December 3, 2008

2005	\$144,500	\$108,290
2006	\$144,500	\$ 98,775
2007	\$144,500	\$ 87,250
2008	\$144,500	\$ 87,250

Block: 347 Lot: 1/1 (Mamaroneck Union Free School District)

<u>Year</u>	<u>Current Assessment</u>	<u>Reduced Assessment</u>
2003	\$833,100	\$670,700
2004	\$833,100	\$670,700
2005	\$833,100	\$617,090
2006	\$833,100	\$560,325
2007	\$833,100	\$491,570
2008	\$833,100	\$491,570

The above resolution was put to a roll call vote:

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

1. Appointment- Board of Architectural Review

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

WHEREAS, Doris Erdman has resigned as Member E of the Board of Architectural Review.

NOW THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby appoint Diane Neff as Member E of the Board of Architectural Review, and

BE IT FURTHER

RESOLVED, that the foregoing appointment shall be effective immediately upon the appointee taking and subscribing the oath mandated by Section 25 of the New York Town Law, and shall expire on December 31, 2011.

2. Retainer Agreement – Labor Counsel

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the agreement between the Town of Mamaroneck and Littler Mendelson, P.C., to provide Employment Counsel to the Town, and

BE IT FURTHER

RESOLVED, that the billing rate for services effective January 1, 2009 will be billed in quarter of an hour intervals as follows:

- \$300.00 per hour, Legal Counsel time
- \$250.00 per hour, Associate time
- \$130.00- \$180.00 per hour, Paralegal time

and

BE IT, FURTHER

December 3, 2008

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

3. Architectural Services – Town Center

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

WHEREAS, as part of the consolidation of the Section 8 and Community Service Programs with the Village of Mamaroneck it will be necessary to provide larger office space for that office, and

WHEREAS, with the relocation of the Village Senior Center to the VFW, that space will be redesigned for the consolidated Community Services Program.

NOW THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board hereby approves entering into an agreement with Gordon and Yestadt Architects of Larchmont, for design services for the relocation of the Community Services Office at the Town Center, at an hourly basis not to exceed \$15,000, to be billed as follows:

Principal	\$175.00/hour
Associate	\$120.00/hour
Architect	\$ 95.00/hour
Draftsman	\$ 75.00/hour

and

BE IT, FURTHER

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

The above resolution was put to a roll call vote:

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

4. Salary Authorizations

Town Court – Deferred

Recreation

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

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

Skating School

Brad Cox	Instructor	\$18.00/hour	effective retroactive to 11/15/08
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Youth Hockey House League

John Donaghy, III	Assistant Instructor	\$7.50.hour	effective retroactive 11/15/08
Bret Jackson	Assistant Instructor	\$7.00.hour	effective retroactive 11/15/08
Joseph Muratore	Assistant Instructor	\$7.00.hour	effective retroactive 11/15/08

The above resolution was put to a roll call vote:

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

APPROVAL OF MINUTES - November 19, 2008

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board minutes from the meeting of, November 19, 2008.

ORAL COMMUNICATIONS

Abby Katz of Larchmont Gardens’ Civic Association addressed the Board. She spoke of the recent changes to the organic pick up and noted resident concerns. The tree lighting will take place on Saturday December 13th from 4:30-5:30.

WRITTEN COMMUNICATIONS

None

SUPERVISOR’S REPORT

Supervisor O’Keeffe noted that she and her colleagues on the Westchester Joint Water Works’ Board, have been working toward a solution to the litigation with regards to the State imposed Water Filtration Plant. She congratulated the Village Trustees Toni Ryan, John Hofstetter and Tom Murphy as well as Judge Daniel Gallagher on their elections. She sends her thank you and admiration to Judge Sirlin for all his years of service to the Village.

REPORT OF COUNCIL

Councilwoman Wittner noted the Special Meeting the Board held to discuss FCD Mamaroneck, LLC. Coastal Zone Management Commission Meeting was tonight - she was unable attend. The Town again participated in Wreathes Across America.

Councilwoman Seligson mentioned that she attended the Town Planning Board meeting, and the Westchester Municipal Officials Association meeting in Port Chester. She also added that the Town staff holiday party was very nice.

Councilman Fishman noted again the Housing Authorities intentions of paying the Town \$40,000 from their long term reserve account by March of 2009. He will attend the Traffic Committee Meeting on December 16th.

Councilman Odierna asked Mr. Altieri for an update on the intersection.

Mr. Altieri responded that the Town is currently lining up contractors and awaiting final estimates from the consultant.

ADJOURNMENT

On motion of Supervisor O’Keeffe, seconded by Wittner the meeting was unanimously adjourned in memory of John Redman, the husband of Doris Erdman. Supervisor O’Keeffe spoke of the tragic loss of Caroline Lofgren, her husband Parker and children Owen and Sophie. Caroline was the daughter of Mary Jane and Frederick Feuerbach of Larchmont. Her family perished from Carbon Monoxide poisoning while vacationing in Colorado.

Submitted by
Christina Battalia, Town Clerk