

**TOWN OF MAMARONECK
TOWN BOARD AGENDA
WEDNESDAY, NOVEMBER 16, 2016**

THE TOWN BOARD WILL CONVENE – at 5:00 PM, In Conference Room A to discuss:

1. Tour of New Police Desk and Server Room
2. Discussion – Leaf Blower Law
3. Discussion – Rock Chipping Law
4. Discussion – Air BNB – Zoning Compliance
5. Update – Palmer Avenue Bus Shelter
6. Update – Property Auction
7. Discussion – Town Clerk Budget
8. Proposed Local Law – Commercial Sale of Dogs & Cats
9. New Business

8:00PM CALL TO ORDER – COURTROOM

SUPERVISOR'S SUMMARY REPORT

CITIZEN COMMENTS

PRESENTATION – Fire Safety Programs – Town Fire Department

BOARD OF FIRE COMMISSIONERS

1. Fire Claims
2. Other Fire Department Business

AFFAIRS OF THE TOWN OF MAMARONECK

1. Consideration – Reduction of Performance Bond – Cambium Housing Development
2. Consideration – Contract Award TA-16-12 Restoration Town Parking Lot – Town Center Site Work
3. Consideration of Certiorari

APPROVAL OF MINUTES – November 2, 2016

REPORTS OF THE COUNCIL

TOWN CLERK'S REPORT

NEXT REGULARLY SCHEDULED MEETING – December 7, 2016 & December 21, 2016

Any physically handicapped person needing special assistance in order to attend the meeting should call the Town Administrator's office at 381-7810.

WORKSESSION

ITEM 1

NO ATTACHMENT

WORKSESSION
ITEM 2

NO ATTACHMENT

WORKSESSION
ITEM 3



Town of Mamaroneck Town Center

740 West Boston Post Road, Mamaroneck, NY 10543-33 19

914- 381-7830

To: Stephen Altieri, Town Administrator
From: John H. Landi, Building Inspector
Date: November 11, 2016
Re: Rock Chipping and OSHA regulations

After reviewing the letter from John Lanni I feel it would be a great under taking for the Town to try to enforce OSHA regulations on rock chipping and OSHA regulations mainly to protect the workers on site. So it is my recommendation that we require the contractor to wet down the site to reduce the amount of dust but it should only be required at a temperature over 40" as in my opinion it could more of a hazard ie: icing conditions and most people will have their windows closed and heating systems on. I would also recommend that we add drilling rock to the current law.

WORKSESSION
ITEM 4

**ATTACHMENT NOT
AVAILABLE**

WORKSESSION
ITEM 5



Town of Mamaroneck

Town Center

740 West Boston Post Road, Mamaroneck, NY 10543-3353

OFFICE OF THE TOWN ADMINISTRATOR

TEL: 914/381-7810

FAX: 914/381-7809

townadministrator@townofmamaroneck.org

TO: Stephen Altieri, Town Administrator
Nancy Seligson, Town Supervisor
Town Board Members

FROM: Connie Green O'Donnell,
Assistant Town Administrator

DATE: November 11, 2016

SUBJECT: Proposed Bus Shelter at Palmer Avenue and Richbell Road

There are two options for a bus shelter at the corner of Palmer Avenue and Richbell Road.

Since Palmer Avenue is a Westchester County road a bus shelter could be installed at no cost to the Town, however, it would be the County's standard design. The shelter would be made of glass and metal and would include advertising. It would be similar to the bus shelter that is located at Rockland Avenue and Palmer Avenue.

If the Town were to decide to construct a bus shelter that would be similar in design to the one that is located on the northwest side of Palmer Avenue, the cost would be approximately \$6,000. This would include the cost for labor as well as materials. A Road Permit would need to be obtained from Westchester County in order for the Town to install the bus shelter.

In addition, the Town would have to enter into an easement agreement with the property owner, Larchmont Owners Corp., due to the fact that the placement of the bus shelter would be on their property.



WORKSESSION
ITEM 6

NO ATTACHMENT

WORKSESSION
ITEM 7

**ATTACHMENT NOT
AVAILABLE**

WORKSESSION

ITEM 8



Town of Mamaroneck

County of Westchester

740 West Boston Post Road, Mamaroneck, NY 10543-3353

COUNSEL

TEL: 914/381-7815

FAX: 914/381-7809

WMakerJr@TownofMamaroneckNY.org

MEMORANDUM

To: Stephen V. Altieri, Town Administrator
Christina Battalia, Town Clerk

From: William Maker, Jr., Attorney for the Town

Subject: Local law regarding commercial sale of certain dogs and cats

Date: November 4, 2016

I attach a proposed law which, if enacted, will establish prohibit the commercial sale of certain dogs and cats. If the Town Board considers the proposal ready for a public hearing, it can set the date for such a hearing at one of its upcoming meetings.

Local Law No. - 2016

This local law shall be known as the "Prohibition of the Sale of Commercially Bred Dogs or Cats" Law.

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

Section 1 – Purpose:

The Town Board finds that all too often commercially bred dogs and cats are raised under deplorable conditions. For that reason, by this local law the Town Board prohibits the retail sale of commercially bred dogs and cats within the unincorporated area of the Town.

Section 2 – Addition of an Article of a Chapter of the Mamaroneck Code:

Article 58 of the Code of the Town of Mamaroneck hereby is amended by adding the following new Article:

**"Article III
Retail Sale of Dogs and Cats**

"§58-12 Prohibition on the Retail Sale of Commercially Bred Dogs and Cats.

- A. No person or entity shall sell a dog or cat in any retail or other commercial establishment located within the unincorporated area of the Town of Mamaroneck unless such dog or cat was obtained from an animal shelter or humane society located in the State of New York, or from a nonprofit rescue or humane organization.
- B. For the purpose of this Article, to be considered a rescue or humane organization, such organization must
 - (1) be a nonprofit corporation whose mission and practice is, in whole or in significant part, the rescue and placement of dogs and/or cats,
 - (2) be registered with the New York State Department of Agriculture,
 - (3) be exempt from taxation under the Internal Revenue Code,
 - (4) participate in early age spay/neuter of animals, and
 - (5) comply with the laws regarding the humane treatment of animals.

"§ 58-13 Penalties for offenses.

Any person violating this Article shall be subject to a fine and penalty of not less than \$____ nor more than \$____."

PRESENTATION /

PUBLIC DISCUSSION

NO ATTACHMENT

FIRE COMMISSION

ITEM 1

FIRE COMMISSION

ITEM 2

NO ATTACHMENT

AFFAIRS OF THE TOWN

ITEM 1



Town of Mamaroneck

Town Center

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OFFICE OF THE TOWN ADMINISTRATOR

townadministrator@townofmamaroneckNY.org

Memorandum

To: Supervisor & Town Board

From: Stephen V. Altieri

Subject: Reduction of Performance Bond – Cambium Housing Development

Date: November 11, 2016

As part of the approval of the Cambium Development, the Town required a performance bond for public improvements including asphalt paving, concrete sidewalks, storm drains, and sanitary sewers. The developer has now completed a significant portion of the public improvements and is requesting a reduction in the performance bond.

Attached is the letter of request as well as the site work schedule of values for the performance bond. The site work schedule has been prepared by the Town Engineer. The original value of the bond was \$215,660.50. In consideration of the improvements that have been completed the recommendation to the Town Board is that the bond be reduced by \$175,660.00 and that \$39,998.00 be retained.

ACTION REQUESTED: THAT THE TOWN BOARD APPROVE THE REDUCTION IN THE CAMBIUM PERFORMANCE BOND FROM \$215,660.50 TO \$39,998.00 AND FURTHER THAT THE TOWN COMPTROLLER BE AUTHORIZED TO ISSUE PAYMENT TO THE CAMBIUM EQUAL TO THE VALUE OF THE REDUCTION.

Byron Place Associates LLC

October 31, 2016

Stephen V. Altieri,
Administrator,
Town of Mamaroneck,
740 West Boston Post Road,
Mamaroneck, NY 10543.

Dear Steve,

Re: The Cambium at 10 Byron Place, Larchmont, NY

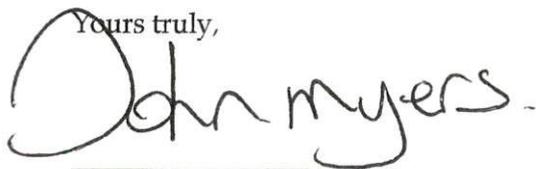
I refer to Letter Agreement dated June 18th, 2013 having regard to the placement by Byron Place Associates LLC of \$215,660.50 with The Town of Mamaroneck, to be held by the Town pending satisfactory completion of certain works in the public domain with the specific works set out in Exhibit A to that letter.

Following various correspondence and meetings, I hereby request the release by the Town of \$175,660.50 as per the attached Schedule prepared by the Town Engineering Dept.

I would be grateful if you would issue a check in this amount made payable to Byron Place Associates LLC and mail to 25 Cantitoe Street, Katonah, NY 10536.

Should you require any additional clarification on this matters please contact me.

Yours truly,

A handwritten signature in black ink that reads "John Myers". The signature is written in a cursive, slightly slanted style. The first letter "J" is large and loops around the "o". The "M" is also large and loops around the "y". The signature ends with a small horizontal stroke.

John Myers,
Byron Place Associates LLC

25 Cantitoe Street, Katonah, NY 10536.
914 232 5922

Byron Place Associates - Site Work Schedule of Values for Performance Bond

Item #	Item Description	Quantity	Unit of Measure	Unit Price	Extended Price	10/13/2016		Percentage Withheld
						Extended w/ 10% Contingency	Proposed Bond Retainage	
1	18" Concrete Curb	815	LF	\$ 15.00	\$ 12,225.00	\$ 13,447.50	\$ 4,890.00	40%
2	4' Concrete Sidewalk	250	SF	\$ 6.00	\$ 1,500.00	\$ 1,650.00	\$ 1,500.00	100%
3	Asphalt Paving	1800	SY	\$ 25.00	\$ 45,000.00	\$ 49,500.00	\$ 2,250.00	5%
4	Asphalt Trench Paving	780	SF	\$ 4.00	\$ 3,120.00	\$ 3,432.00	\$ 3,120.00	100%
5	Line Striping / Crosswalk Hatch	1	LS	\$ 2,100.00	\$ 2,100.00	\$ 2,310.00	\$ 105.00	5%
6	Street Lighting	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 4,400.00	\$ 1,000.00	25%
7	Misc Landscaping / Islands	1	LS	\$ 1,750.00	\$ 1,750.00	\$ 1,925.00	\$ 1,750.00	100%
8	Watermain Wet Tap	2	EA	\$ 1,850.00	\$ 3,700.00	\$ 4,070.00	\$ 185.00	5%
9	Detention System Excavation	735	CY	\$ 25.00	\$ 18,375.00	\$ 20,212.50	\$ 4,593.75	25%
10	48" Diam Storm Drain - HDPE	324	LF	\$ 115.00	\$ 37,260.00	\$ 40,986.00	\$ 1,863.00	5%
11	15" Diam Storm Drain - CMP	405	LF	\$ 55.00	\$ 22,275.00	\$ 24,502.50	\$ 1,113.75	5%
12	12" Diam Storm Drain - HDPE	50	LF	\$ 50.00	\$ 2,500.00	\$ 2,750.00	\$ 125.00	5%
13	12" Diam Storm Drain - CMP	60	LF	\$ 50.00	\$ 3,000.00	\$ 3,300.00	\$ 150.00	5%
14	8" Diam Storm Drain - DIP	90	LF	\$ 75.00	\$ 6,750.00	\$ 7,425.00	\$ 337.50	5%
15	Fire Hydrants	3	EA	\$ 2,250.00	\$ 6,750.00	\$ 7,425.00	\$ 6,750.00	100%
16	Trench Drain	40	LF	\$ 75.00	\$ 3,000.00	\$ 3,300.00	\$ 150.00	5%
17	Curb Inlet Catch Basin	4	EA	\$ 2,000.00	\$ 8,000.00	\$ 8,800.00	\$ 400.00	5%
18	Doghouse Manhole Connection	2	EA	\$ 2,150.00	\$ 4,300.00	\$ 4,730.00	\$ 4,300.00	100%
19	Diversion Manhole Connection	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,750.00	\$ 2,500.00	100%
20	Drain Manhole Structure	1	EA	\$ 2,650.00	\$ 2,650.00	\$ 2,915.00	\$ 2,650.00	100%
21	Sanitary Manhole Structure	2	EA	\$ 2,650.00	\$ 5,300.00	\$ 5,830.00	\$ 265.00	5%

\$ 196,055.00	\$ 215,660.50	\$ 39,998.00	18.55%
Sub-Total	Total Bond Value	Retainage Withheld	% Withheld

Round to \$ 40,000

Summary Prepared: 9/15/16
Prepared By: Town Engineering Department

AFFAIRS OF THE TOWN

ITEM 2



Town of Mamaroneck

Town Center

740 West Boston Post Road, Mamaroneck, NY 10543-3353

OFFICE OF THE TOWN ADMINISTRATOR

TEL: 914/381-7810

FAX: 914/381-7809

townadministrator@townofmamaroneck.org

Memorandum

To: Supervisor and Town Board

Re: Contract #TA-16-12- Town Center Parking Lot/Grounds Improvements

Date: November 7, 2016

The Town Board, at its last meeting, requested that I provide additional information and alternative cost analysis with respect to this contract. To recap the previous cost of the project:

Low Bid- DeRosa Sport Construction-	\$845,833
Available Funding including the grant ¹	<u>\$732,000</u>
Funding Deficit	\$113,833

Recommended Project Reductions	\$ 33,910
Amended Project Total	<u>\$ 811,923</u>
Amended Deficit	\$ 79,923

A request was made to provide the total project cost absent any green infrastructure. That cost is \$626,052. Therefore if we proceeded with the project without the green infrastructure and without the grant the analysis is as follows:

Total Project Cost without Green Infrastructure	\$626,052
Available Town Funds	<u>\$582,000</u>
Project Deficit	\$ 44,052

As an alternative, we have modified the green infrastructure to reduce cost but to also maintain compliance with the requirements of the grant.

The modified project would remove the following:

- Two of the Bio retention swales
- Two of the rain gardens closest to the building
- Reduce the total number of trees from 24 to 12
- Reduce the total number of rain barrels from 4 to 2
- Remove associated excavation, rock removal and other unit cost items.

¹ \$150,000 Grant from Long Island Sound Futures Fund



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OFFICE OF THE TOWN ADMINISTRATOR

townadministrator@townofmamaroneckNY.org

Memorandum

To: Supervisor & Town Board

From: Stephen V. Altieri

Subject: Consideration – Contract Award TA-16-12 Restoration Town Parking Lot
– Town Center Site Work

Date: November 11, 2016

Following up on our discussion regarding this project, I have again provided the attached memorandum on the costs of the Town Center Parking Lot and Site Improvements Contract. If the Board accepts the revisions to the project, we are ready to move forward with a contract award at this time.

ACTION REQUESTED: THAT THE TOWN BOARD AWARD CONTRACT TA-16-12 TOWN CENTER PARKING LOT AND GROUNDS IMPROVEMENT PROJECT TO THE LOWEST RESPONSIBLE BIDDER MEETING THE TOWN'S SPECIFICATIONS, DEROSA SPORTS CONSTRUCTION FOR THE REVISED CONTRACT AMOUNT OF \$769,033.00 AND THAT THE TOWN ADMINISTRATOR IS AUTHORIZED TO EXECUTE A CONTRACT WITH DEROSA SPORTS CONSTRUCTION. IT IS FURTHER RECOMMENDED, THAT THE TOWN BOARD AUTHORIZES A TRANSFER OF FUNDS IN THE AMOUNT OF \$37,033.00 FROM THE TOWNWIDE UNEXPENDED BALANCE INTO THE CAPITAL PROJECT ACCOUNT.

AFFAIRS OF THE TOWN

ITEM 3

**ATTACHMENT NOT
AVAILABLE**