

TOWN OF MAMARONECK  
TOWN BOARD AGENDA  
WEDNESDAY, JANUARY 20, 2016

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

- 1. Review - Board & Commission Appointments**
- 2. Review - Community Choice Aggregation Agreement**
- 3. Review – Revised Town Procurement Policy**
- 4. Review – 2016 Goals & Priorities**
- 5. Update – LMC-TV Space Needs**
- 6. Review – Westchester Joint Water Works Capital Projects**
- 7. Update – Weaver Street Sidewalk Extension**
- 8. Update – Hampshire Country Club Application**
- 9. Discussion – Weapons in Town Facilities**
- 10. New Business**

CALL TO ORDER – AT 8:00PM CONFERENCE ROOM C

SUPERVISOR’S SUMMARY REPORT

CITIZEN COMMENTS

- PUBLIC HEARING -
- 1. Amendment – Special Permit Cambium Housing Development**
  - 2. “Addition of Building Inspector to the Town Code” Law**

BOARD OF FIRE COMMISSIONERS

- 1. Fire Claims**
- 2. Other Fire Department Business**

AFFAIRS OF THE TOWN OF MAMARONECK

- 1. Appointments – Boards & Commissions**
- 2. Authorization – Transfer of Funds – Trees**
- 3. Authorization – Correction of 2016 Budget**
- 4. Authorization – Transfer of Funds – Town Center Budget**
- 5. Authorization – Engagement Letter, Wilson, Elser & Moskowitz**
- 6. Approval of Revised Procurement Policy**
- 7. Authorization – Community Choice Aggregation Agreement**
- 8. Authorization – Snow Removal Contract Westchester County Roads**
- 9. Authorization – 2016 Ambulance District Service Fees**

APPROVAL OF MINUTES – January 6, 2016

REPORTS OF THE COUNCIL

TOWN CLERK’S REPORT

NEXT REGULARLY SCHEDULED MEETINGS – February 3, 2016 & February 17, 2016 the Board will meet in CONFERENCE ROOMS C & D

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

**MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON JANUARY 20, 2016, BEGINNING AT 5:00PM IN CONFERENCE ROOM D AND CONTINUING AT 8:00 PM IN CONFERENCE ROOM C OF THE TOWN CENTER, 740 W. BOSTON POST ROAD, MAMARONECK, NEW YORK**

**PRESENT:** Supervisor Nancy Seligson  
Councilman Ernest C. Odierna  
Councilwoman Abby Katz  
Councilwoman Jaine Elkind Eney  
Councilman Thomas A. Murphy

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

**CALL TO ORDER - WORK SESSION**

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the Work Session was unanimously opened at 5:00PM.

**Review – Boards and Commissions**

On motion of Councilman Murphy, seconded by Councilman Odierna, the Town Board agreed to enter into an Executive Session to discuss resumes for vacancies among various Boards and Commissions.

**EXECUTIVE SESSION**

**Review Resumes for Boards and Commissions**

On motion of Councilwoman Katz, seconded by Councilman Odierna, the Town Board closed the Executive Session and resumed the Worksession.

Councilwoman Elkind Eney suggested the Town Board consider creating a new Committee to address public relations and community outreach. Councilwoman Elkind Eney believes there is a void in this area that needs to be filled. Supervisor Seligson suggested reaching out to a few of the candidates they have discussed this evening and see if there is any interest.

**Review – Community Choice Aggregation Agreement**

**Additionally Present: Leo Wiegman and Mike Gordon of Sustainable Westchester**

The Town Board had before them the Community Choice Aggregation Memorandum of Understanding and the Westchester Smart Power Electric Service Agreement filed with the Public Service Commission. The Town Board asked Mr. Wiegman and Mr. Gordon to recap where the process and then address questions from the Board and Town Attorney. Mr. Maker noted a number of ‘blanks’ in the Memo of Understanding (MOU). The blanks were discussed, specifically when they can/will be inserted. Mr. Maker advised that the resolution for the MOU have a clause stating authorization by the Town Supervisor upon review and consent by the Town Attorney. Councilwoman Katz stated her concern that the website is not yet up and running. The Board would like specific verbiage in the MUO stating that the website will be maintained by Sustainable Westchester, and that residents’ will be able to opt out directly from the website.

After Mr. Wiegman and Mr. Gordon left the meeting, the Town Board reviewed the agreement further with the Town Attorney. Mr. Maker stated that he had no problems with the contract, adding that the attorneys’ that worked on it did a very good job. The Town Board noted that any mailings to residents will

be reviewed fully by the Town Board. The Town Board reviewed the final resolution approving the MOU that is on this evening's regular Agenda.

Review – Town Procurement Policy

The Town Board reviewed a memo from Mr. Altieri dated January 9, 2016 explaining the revisions to the procurement policy and highlighting five changes. Supervisor Seligson would like the term 'consultant' added to the professional services. The adoption of revised policy is on the regular Agenda for this evening.

Review – 2016 Goals & Priorities

The Town Board deferred this until the February 3<sup>rd</sup> meeting.

Update – LMC-TV Space Needs

Councilman Murphy read the list of questions the Board has for LMC-TV. Connie Green O'Donnell will have these formally written and distributed to the Town Board prior to their meeting with LMC-TV representatives on February 17<sup>th</sup>.

Review - Westchester Joint Water Works Capital Projects

A full discussion of the Capital Projects was deferred until the February 3<sup>rd</sup> Town Board Meeting.

Update – Weaver Street Sidewalk Extension

The Town Board received an update memo from Mr. Altieri dated January 15, 2016, specifically addressing the administrative compliance issues that must be addressed. There was no additional discussion.

Update - Hampshire Country Club Application

The Town Board reviewed Mr. Altieri's letter re; Comments on Proposed Scoping Document Hampshire Country Club Planned Residential Development, addressed to Ms. Betty-Ann Sherer, Land Use Coordinator for the Village of Mamaroneck. Supervisor Seligson stated that the Board needs to consider whether to review the project proactively before the EIS is prepared or reactively review the EIS. Supervisor Seligson also asked Mr. Maker whether he thought the Town should hire a consultant. Mr. Maker responded that he felt the Town should complete its own traffic study. The Town Board discussed the specifics of a traffic study.

Discussion – Weapons in Town Facilities

There was no discussion. Mr. Maker was asked to prepare a draft legislation for review.

On motion of Councilwoman Katz, seconded by Councilman Murphy, the Board unanimously agreed to enter into an Executive Session to discuss the employment history within the Town's Legal Department.

EXECUTIVE SESSION

Discussion of Employment History within the Town's Legal Department.

On motion of Councilman Murphy, seconded by Councilwoman Katz, the Board unanimously agreed to resume the Regular Meeting.

**CALL TO ORDER - REGULAR MEETING**

The Regular Meeting of the Town Board was called to order by Supervisor Seligson at 8:00 PM, she then pointed out the location of the exits.

Supervisor Seligson noted that the Town Board met for a worksession beginning at 5:00 o'clock this evening, adding this is an open meeting that all residents' are welcomed to attend.

**SUPERVISOR'S SUMMARY REPORT**

Supervisor Seligson stated that she will pass on her report this evening, due to the lengthy work the Board has done this evening with many of the items on this evening's Agenda.

**CITIZEN'S COMMENTS**

Supervisor Seligson asked if anyone in the audience would like to address the Board, and there was not.

**PUBLIC HEARING (S) – Amendment to the Special Permit - Cambium Housing Development**

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

**NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Mamaroneck Town Board adopted on January 6, 2016 a Public Hearing will be held on Wednesday, January 20, 2016 at 8:00 PM or as soon thereafter as is possible at the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider: An Amendment to the Special Permit Approval Cambium Housing Development – Workforce Housing.

**Section 1 – Purpose.**

The original Special Permit Approval granted to the Cambium Housing Development in 2006 included a workforce housing covenant. The Covenant required the construction of ten affordable rental units as part of the 149 unit complex. Under the current approval, the workforce housing may only be rental housing. The Town Board will consider an amendment to the approval that would permit rental or homeownership work force housing.

The full text of this Amendment is stated below and can also be examined and copies obtained at the Town Clerk's office during regular hours, Mon-Fri, 8:30 AM to 4:30 PM, In June, July and August until 4:00 PM at 740 W. Boston Post Road Mamaroneck, NY

**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: January 13, 2016**

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the Public Hearing was unanimously opened.

Supervisor Seligson explained the amendment then asked if anyone wished to comment on the proposed Amendment, and there was not.

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the Public Hearing was unanimously closed.

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

**EIGHTH AMENDMENT TO THE SPECIAL PERMIT ISSUED  
BY THE TOWN BOARD  
TO FCD MAMARONECK, LLC ON OCTOBER 18, 2006**

Whereas, on October 18, 2006, the Town Board adopted a resolution (“2006 Resolution”) wherein it issued a Special Permit to FCD Mamaroneck, LLC for the construction of the mixed-use development described in the 2006 Resolution, subject to the conditions and requirements contained in the 2006 Resolution, and

Whereas, the Town Board amended the 2006 Resolution seven previous times for various reasons by resolutions dated April 2, 2008, November 5, 2008, April 1, 2009, June 17, 2009, May 19, 2010, March 2, 2011, April 20, 2011, and

Whereas, the special permit, as amended, (“Amended Permit”) requires there to be 10 workforce housing units within the development, and

Whereas, the Amended Permit requires that these workforce units be rental units, and

Whereas, there is no reason why these units could not or should not be owner occupied, and

Whereas, to allow these units to be owner occupied requires a further amendment to the 2006 Resolution, and

Whereas, because such an amendment will not result in any physical change to the development, the Town Board finds that it need not refer this matter to the Planning Board for its advice, and

Whereas, the Town Board conducted a public hearing upon the Applicant’s request on March 5, 2008, March 19, 2008 and April 2, 2008 at which all persons wishing to address the Town Board were given sufficient time to speak and to submit written comments.

Now, therefore, after due deliberation, be it  
RESOLVED, that the 2006 Resolution, as amended, is further amended to provide that the proposed use shall have no less than 147 dwelling units and no more than 149 dwelling units and be it further

RESOLVED, that there shall be no more than 112 two-bedroom dwelling units with the remaining dwelling units being one-family dwelling units, and be it further

RESOLVED, that at least 10 dwelling units shall be in-perpetuity workforce housing units subject to a recorded restrictive covenant that either can be sold or rented to qualified persons, and be it further

RESOLVED, that no more than 8 of the workforce housing units be two bedroom units.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**PUBLIC HEARING (S) – “Addition of Building Inspector to the Town Code” Law**

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

**NOTICE OF PUBLIC HEARING**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Mamaroneck Town Board adopted on January 06, 2016 a Public Hearing will be held on Wednesday, January 20, 2016 at 8:00 PM or as soon thereafter as is possible at the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider: “Addition of Building Inspector to the Town Code” Law”.

**Section 1 – Purpose.**

The Town Code grants to the Director of Building Code Enforcement and Land Use Administration the powers ordinarily bestowed upon a building inspector in a municipal code. This local law adds the Building Inspector to the places in the Code where the Director of Building Code Enforcement and Land Use Administration is mentioned so that the power to perform the Director of Building Code Enforcement and Land Use Administration’s functions under the Code will be in the hands of both the Building Inspector and the Director of Building Code Enforcement and Land Use Administration.

In addition, where appropriate, this local law amends those sections of the Code that are being amended by this law to make them gender neutral.

The full text of this Amendment is stated below and can also be examined and copies obtained at the Town Clerk’s office during regular hours, Mon-Fri, 8:30 AM to 4:30 PM, In June, July and August until 4:00 PM at 740 W. Boston Post Road Mamaroneck, NY

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: January 12, 2016

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, the Public Hearing was unanimously opened.

Supervisor Seligson asked if anyone wished to comment on the proposed Local Law, and there was not.

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, the Public Hearing was unanimously closed.

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the following Local law was approved:

**Local Law No. 1 - 2016**

This local law shall be known as the “Addition of Building Inspector to the Town Code” Law.

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

**Section 1 – Purpose:**

The Town Code grants to the Director of Building Code Enforcement and Land Use Administration the powers ordinarily bestowed upon a building inspector in a municipal code. This local law adds the Building Inspector to the places in the Code where the Director of Building Code Enforcement

and Land Use Administration is mentioned so that the power to perform the Director of Building Code Enforcement and Land Use Administration's functions under the Code will be in the hands of both the Building Inspector and the Director of Building Code Enforcement and Land Use Administration.

In addition, where appropriate, this local law amends those sections of the Code that are being amended by this law to make them gender neutral.

**Section 2 – Amendment of current sections of the Mamaroneck Code:**

The following sections of the Code of the Town of Mamaroneck hereby are amended so that the title "Director of Building Code Enforcement and Land Use Administration" is replaced with the words "the Building Inspector or the Director of Building Code Enforcement and Land Use Administration":

**Sections**

- 3-10
- 3-11
- 40-2A
- 40-2B
- 40-2C
- 55-5 (unlettered paragraph)
- 90-5 (both places)
- 106-4A
- 106-4B
- 106-20A (four places)
- 106-20B (three places)
- 106-27C
- 106-27D
- 106-27E (two places)
- 106-38B
- 106-38D
- 106-39A
- 106-39B
- 106-40A
- 106-40 C (unlettered paragraph) (both places)
- 106-40 C (7)
- 106-40 E (four places)
- 106-41A
- 106-42A
- 106-43 (unlettered paragraph)
- 106-46A
- 106-46B
- 106-46C
- 106-46D
- 106-47A
- 106-47B
- 106-47C (two places)
- 106-47D
- 106-48A (two places)
- 106-50 (two places)
- 106-52 (unlettered paragraph)
- 106-52A
- 106-53
- 106-57
- 106-62 (three places)
- 114-6B
- 144-5A
- 158-5A (three places)
- 158-5C (three places)
- 158-5D
- 158-8 (two places)
- 161-13B (two places)
- 175-3 (two places)
- 175-5
- 175-8A
- 175-8A (3)

175-8D  
175-11K (two places)  
177-7C  
177-9A  
177-10A (20)  
177-10D  
177-11  
177-14  
183-14  
190-8A  
192-5B  
207-8  
234-3B  
240-19.1G  
240-25F (3)  
240-25F (5)  
240-28F (2)  
240-28F (6)  
240-61E  
240-71  
240-73  
240-83C (3) (c)  
240-83C (4)  
240-84A  
240-84B  
240-84C  
240-85A  
240-85C (two places)  
240-86A (two places)  
240-86C (two places)  
240-89D (1)  
240-89D (2)  
240-89F  
240-91  
A250-1

**Section 3 – Amendment of current sections of the Mamaroneck Code:**

The following sections of the Code of the Town of Mamaroneck hereby are amended so that the title “Director of Building Code Enforcement and Land Use Administration” is replaced with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative”:

**Sections**

55-5C  
71-2D  
71-3  
82-5  
82-12  
102-4  
102-5  
106-18  
106-19  
106-41C  
106-43D  
106-44 (two places)  
106-45  
106-51 (two places)  
106-54A  
106-54C  
106-55A  
106-55B (two places)  
108-6  
114-8 (unlettered paragraph)  
137-3  
158-9A  
158-9B (two places)

175-9A (three places)  
192-7 (two places)  
207-9  
240-88B

Section 4 – Amendment of current sections of the Mamaroneck Code:

Section 5-14 and 110-11 of the Code of the Town of Mamaroneck hereby are amended by deleting therefrom the title “Director of Building Code Enforcement and Land Use Administration” and replacing them with the words “the Director of Building Code Enforcement and Land Use Administration or if that position is vacant, the Building Inspector”.

Section 5 – Amendment of a current section of the Mamaroneck Code:

Section 32-4 of the Code of the Town of Mamaroneck hereby is amended by adding between the titles “Assistant Building Inspector” and “Code Enforcement Officer” in the definition of CONSTABLES the title “Building Inspector”.

Section 6 – Amendment of a current section of the Mamaroneck Code:

Section 71-2A of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “The Director of Building Code Enforcement and Land Use Administration or one of his designated representatives” and replacing them with the words “The Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative”.

Section 7 – Amendment of a current section of the Mamaroneck Code:

Section 71-2B of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “Director of Building Code Enforcement and Land Use Administration or his designated representative” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative”.

Section 8 – Amendment of a current section of the Mamaroneck Code:

Section 91-7 of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “the Director of Building Code Enforcement and Land Use Administration” and replacing them with the words “the Building Inspector, the Director of Building Code Enforcement and Land Use Administration”.

Section 9 – Amendment of a current section of the Mamaroneck Code:

Section 95-7B of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words

“STORMWATER MANAGEMENT OFFICER

The Director of Building Code Enforcement and Land Use Administration or his (her) designee.”

and replacing them with the words

“STORMWATER MANAGEMENT OFFICER

The Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative.”

Section 10 – Amendment of a current section of the Mamaroneck Code:

Section 103-3 of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “Director of Building Code Enforcement and Land Use Administration of the Town of Mamaroneck and he” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative and he/she”.

Section 11 – Amendment of a current section of the Mamaroneck Code:

Section 106-37 of the Code of the Town of Mamaroneck hereby is amended

by deleting therefrom the word “shall” from sections 106-37A and 106-37B and replacing it with the word “may” in both sections, and

by adding a new section 106-37D that reads as follows:

“D. If the office of the Director of Building Code Enforcement and Land Use Administration is vacant, the Building Inspector shall have all of the Director of Building Code Enforcement and Land Use Administration’s powers, duties and responsibilities.”

Section 12 – Amendment of a current section of the Mamaroneck Code:

Section 106-40E of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the title “Building Inspector” and replacing them with the words “Building Inspector or the Director of Building Code Enforcement and Land Use Administration”.

Section 13 – Amendment of a current section of the Mamaroneck Code:

Section 106-41B of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “the Director of Building Code Enforcement and Land Use Administration or his authorized representative” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative”.

Section 14 – Amendment of a current section of the Mamaroneck Code:

Section 106-41B of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “the Director of Building Code Enforcement and Land Use Administration for the use of any other department of the Town” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or for the use of any other department of the Town”.

Section 15 – Amendment of a current section of the Mamaroneck Code:

Section 106-43E of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words “the Director of Building Code Enforcement and Land Use Administration and/or his designated deputies” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either’s designated representative”.

Section 16 – Amendment of a current section of the Mamaroneck Code:

Section 106-49A of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words

“DIRECTOR

The Director of Building Code Enforcement and Land Use Administration”

and replacing them with the words

“DIRECTOR

The Building Inspector or the Director of Building Code Enforcement and Land Use Administration”.

Section 17 – Amendment of a current section of the Mamaroneck Code:

Section 106-59 of the Code of the Town of Mamaroneck hereby is amended

by deleting its current title and replacing it with the words “Notice to the Building Inspector or the Director of Building Code Enforcement and Land Use Administration” and

by deleting from the text of the section the words “in writing, to the Director of Building Code Enforcement and Land Use Administration” and replacing them with the words “the Building Inspector or the Director of Building Code Enforcement and Land Use Administration” and

by deleting from the text of the section the words “The Director of Building Code Enforcement and Land Use Administration shall inspect such premises, and, if the structure is found unsafe, the Director of Building Code Enforcement and Land Use Administration shall order it repaired” and replacing them with the words “The Building Inspector or the Director of Building Code Enforcement

and Land Use Administration or either's designated representative shall inspect such premises, and, if the structure is found unsafe, the Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either's designated representative shall order it repaired".

**Section 18 – Amendment of a current section of the Mamaroneck Code:**

Section 114-9 of the Code of the Town of Mamaroneck hereby is amended

by deleting from sections 114-9 A and 114-9B the title "Director of Buildings" and replacing it with the titles "the Building Inspector or the Director of Building Code Enforcement and Land Use Administration" and

by deleting from section 114-9C the title "Director of Buildings" and replacing it with the words "Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either's designated representative".

**Section 19 – Amendment of a current section of the Mamaroneck Code:**

Section 161-12 of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words "This article shall be enforced by the designated Building Official of the Town or by deputies whom said Building Official designates for this purpose" and replacing them with the words "The Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either's designated representative shall enforce this article."

**Section 20 – Amendment of a current section of the Mamaroneck Code:**

Section 175-4 of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words

"DIRECTOR OF BUILDING CODE ENFORCEMENT AND LAND USE ADMINISTRATION

The Director of Building Code Enforcement and Land Use Administration, or such other officer duly appointed to perform the duties of that position."

and replacing them with the words

"BUILDING INSPECTOR/DIRECTOR OF BUILDING CODE ENFORCEMENT AND LAND USE ADMINISTRATION

The Building Inspector or the Director of Building Code Enforcement and Land Use Administration, or such other officer duly appointed to perform the duties of that position."

**Section 21 – Amendment of a current section of the Mamaroneck Code:**

Section 192-5F of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words "Screening. Screening as is deemed necessary by the Director of Building Code Enforcement and Land Use Administration may be required by him" and replacing them with the words "Screening. Such screening as the Building Inspector or the Director of Building Code Enforcement and Land Use Administration may deem necessary."

**Section 22 – Amendment of a current section of the Mamaroneck Code:**

Section 240-83B of the Code of the Town of Mamaroneck hereby is amended by deleting therefrom the words "This chapter shall be enforced by the Director of Building Code Enforcement and Land Use Administration, in accordance with this chapter" and replacing them with the words "The Building Inspector or the Director of Building Code Enforcement and Land Use Administration or either's designated representative shall enforce this article."

**Section 3 – Severability:**

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

**Section 4 – Effective Date:**

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

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**BOARD OF FIRE COMMISSIONERS**

The Meeting was called to order by Commissioner Seligson, and then on motion of Commissioner Elkind Eney, seconded by Commissioner Murphy, the Board of Fire Commissioners was unanimously declared open.

Present were the following Members of the Commission:

Commissioner:	Nancy Seligson
Commissioner:	Ernest C. Odierna
Commissioner:	Abby Katz
Commissioner:	Jaine Elkind Eney
Commissioner:	Thomas A. Murphy

**1. FIRE CLAIMS**

On motion of Commissioner Murphy, 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:

Con Edison	Fire HQ gas svc 12/1/15-12/31/15	554.78
IPromoteu	Fire prevention give a ways, bottles, hats	800.00
Priority Steel, LLC.	Furnish and deliver A-36 steel plates - includes the option to buyback	28,191.45
Town of Mam'k PFF Assn.	Life Ins. Prem. For Dec. 2015 (12) Firefighters for (3) pay periods	282.96
		0.00
<b>Total:</b>		<b><u>29,829.19</u></b>

The above resolution was put to a roll call vote:

Commissioner Murphy	Aye
Commissioner Elkind Eney	Aye
Commissioner Katz	Aye
Commissioner Odierna	Aye
Commissioner Seligson	Aye

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

**AFFAIRS OF THE TOWN**

**10. Appointments – Boards & Commissions**

**BOARD OF ARCHITECTURAL REVIEW**

On motion of Councilman Murphy, seconded by Councilman Odierna, it was unanimously

**RESOLVED**, that Edward Jacobson be reappointed as Member B of the Board of Architectural Review, and

**BE IT FURTHER**

**RESOLVED**, that Donald Meeker be reappointed as Member A of the Board of Architectural Review, and

**BE IT FURTHER**

**RESOLVED**, that the foregoing appointments shall be effective (A) immediately upon the appointee taking and subscribing the oath mandated by section 25 of the New York Town Law and (B) shall expire on December 31, 2018, and

**BE IT, FURTHER**

**RESOLVED**, that Edward Jacobson shall serve as Chairperson of the Board of Architectural Review for the year 2016.

**BOARD OF ETHICS**

On motion of Councilman Odierna, seconded by Councilman Murphy, it was unanimously

**RESOLVED**, that Robert Degen be reappointed to the position of Member A of the Board of Ethics; and

**BE IT FURTHER**

**RESOLVED**, that Grace D’Alessio be reappointed to the position of Member B of the Board of Ethics; 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, 2018, and

**BE IT, FURTHER**

**RESOLVED**, that Martin Ronan shall serve as the Chairperson of the Board of Ethics for the year 2016.

**HOUSING AUTHORITY**

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, it was unanimously

**RESOLVED**, that Sal Iacono be reappointed to the position of Member C of the Housing Authority; 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, 2020; and

**PLANNING BOARD**

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was unanimously

RESOLVED, that Ralph Engel shall serve as Chairperson of the Planning Board for the year 2016, and

BE IT FURTHER

RESOLVED, that Ellen Dunkin shall serve as Vice Chairperson of the Planning Board for the year 2016.

**TRAFFIC COMMITTEE**

On motion of Councilwoman Katz, seconded by Councilman Murphy, it was unanimously

RESOLVED, that Donald Sutherland be reappointed to the position of Member B of the Town of Mamaroneck Traffic Committee, and

BE IT FURTHER

RESOLVED, that the foregoing appointments shall be effective immediately upon the appointees taking and subscribing the oath mandated by section 25 of the New York Town Law and shall expire on December 31, 2018, and

BE IT, FURTHER

RESOLVED, that Doris Block shall serve as the Chairperson of the Traffic Committee for the year 2016.

**ZONING BOARD OF APPEALS**

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

RESOLVED, that Evans Simpson be reappointed as Member E of the Zoning Board of Appeals, and

BE IT FURTHER

RESOLVED, that the foregoing appointments 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, 2020, and

BE IT FURTHER

RESOLVED, that Arthur Wexler shall serve as Chairperson of the Zoning Board of Appeals for the year 2016.

**BOARD OF ASSESSMENT REVIEW**

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, it was unanimously

RESOLVED, that Kathleen Spadaro be reappointed as Member C of the Board of Assessment Review, and

BE IT FURTHER

RESOLVED, that the foregoing appointments 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, 2020, and

**SUSTAINABILITY COLLABORATIVE**

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was unanimously

RESOLVED, that Frank Owens be reappointed as Member C of the Sustainability Collaborative, and  
 BE IT FURTHER

RESOLVED, that the foregoing appointments 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, 2018.

11. Authorization – Transfer of Funds – Trees

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, it was

RESOLVED, that the Mamaroneck Town Board does hereby authorize the transfer of funds in the amount of \$400.00 from the Town’s Tree Fund as detailed in the Comptrollers’ schedule as follows:

2015 BUDGET AMENDMENT - TRANSFER FROM TRUST FUND TO GENERAL FUND

1/20/2016 TOWN BOARD MEETING

GENERAL TOWN WIDE FUND (FUND A):

INCREASE BUDGET:

A.0000.5041	TRANSFERS FROM TRUST FUND	\$	400.00
A.8510.4178	PLANTS / TREES/ MOSQUITO CONTROL	\$	400.00

\* (REPRESENTS USE OF TREE PLANTING FUND DONATIONS FOR PURCHASE OF TREE PLAQUES FOR 2015 FISCAL YEAR)

* TRUST A/C # T.0000.0097 (TREE PLANTING TRUST FUND):	
<i>CURRENT BALANCE (PRIOR TO TRANSFER)</i>	\$ 26,616.81
<i>TRANSFER TO GEN TOWN FUND - A.8510.4178</i>	\$ (400.00)
<hr/>	
<i>REVISED BALANCE (AFTER TRANSFER)</i>	\$ 26,216.81

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

12. Authorization – Correction of 2016 Budget

Mr. Altieri explained that after a recent review of the 2016 Town Budget the Town identified an error in the salary schedule for the Central Garage which did not include the 2016 salaries as per the CSEA Agreement.

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was

RESOLVED, that the Mamaroneck Town Board does hereby authorize the transfer of funds in the amount of \$4,857.00, from the Highway Fund to correct the 2016 salaries as detailed by the Town Comptroller in the following schedule:

**BUDGET AMENDMENT - INCREASE 2016 HIGHWAY FUND BUDGET**

1/20/2016 TOWN BOARD MEETING

**HIGHWAY (FUND DB):**

**INCREASE BUDGET:**

DB.0000.5995	APPROPRIATED FUND BALANCE	\$ 4,857.00
DB.5130.1010	SALARIES	\$ 4,857.00

\* REPRESENTS ANTICIPATED USAGE OF HIGHWAY FUND UNRESERVED FUND BALANCE TO FUND THE CORRECTION TO SALARY SCHEDULE FOR 3 AUTO MECHANICS IN CENTRAL GARAGE.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**13. Authorization – Transfer of Funds – Town Center Budget**

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was

**RESOLVED**, that the Mamaroneck Town Board does hereby authorize the transfer of funds in the amount of \$1,500.00, for the replacement of snow removal equipment as detailed by the Town Comptroller in the following schedule:

**FY 2016 BUDGET TRANSFER - GENERAL TOWNWIDE FUND**

1/20/2016 TOWN BOARD MEETING

**GENERAL TOWNWIDE (FUND A):**

**BUDGET TRANSFER:**

FROM	A.1620.4011	BLDG. & GROUNDS SUPPLIES	\$ (1,500.00)
TO	A.1620.2102	MISCELLANEOUS EQUIPMENT	\$ 1,500.00

\* REPRESENTS FUNDS TO BE REALLOCATED TO OPERATING MISC. EQUIPMENT A/C FOR UNANTICIPATED PURCHASE OF SNOW BLOWER TO BE USED AT TOWN CENTER.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**14. Authorization – Engagement Letter, Wilson, Elser & Moskowitz**

On motion of Councilman Odierna, seconded by Councilwoman Elkind Eney, it was

**RESOLVED**, that the Mamaroneck Town Board does hereby approve the engagement letter with the law firm of Wilson, Elser & Moskowitz to represent the Town in litigation with Save the Sound.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**15. Approval of Revised Procurement Policy**

On motion of Councilman Odierna, seconded by Councilwoman Elkind Eney, it was

**RESOLVED**, that the Mamaroneck Town Board does hereby adopt the Revised Procurement Policy as amended for the Town of Mamaroneck and the Town of Mamaroneck Fire Department effective January 20, 2016.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**16. Authorization – Community Choice Aggregation Agreement**

On motion of Councilman Murphy, seconded by Councilwoman Katz, the following was approved,

**Resolved**, that the Town Administrator is authorized to execute on behalf of the Town the Memorandum of Understanding between the Town and Sustainable Westchester, Inc. in the form last revised on January 20, 2016, except that the Memorandum of Understanding is amended to include a requirement that Sustainable Westchester, Inc. maintain a website that, among other things, allows customers to opt out of this program through such web site, and be it further

**Resolved**, that the Town Administrator is authorized to execute on behalf of the Town the Westchester Smart Power Electric Service Agreement in the form annexed to the aforementioned Memorandum of Understanding with a Competitive Supplier that (1) after review by an independent accountant is determined to have the creditworthiness necessary to perform the obligations of a Competitive Supplier under the Westchester Smart Power Electric Service Agreement and (2) has submitted a bid to supply the Full-Requirements Power Supply for no more than 3 years at a default price that either (i) is guaranteed to be consistently less than the Distribution Utility price for the same customer class, within the same utility defined zone, for the same period or (ii) is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the Preceding Twelve Month Period or (iii) is at

first set at a level that is less than the average utility price for electricity, for the same customer class, within the same utility zone, over the Preceding Twelve Month Period and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities and be it further

Resolved that as used in this resolution, the terms “Competitive Supplier”, “Full-Requirements Power Supply”, “Distribution Utility” and “Preceding Twelve Month Period” shall have the meanings ascribed to them in the Westchester Smart Power Electric Service Agreement in the form annexed to the aforementioned Memorandum of Understanding last revised on January 20, 2016, and be it further

Resolved, that the Town Administrator execute the Memorandum of Understanding only after the Attorney for the Town approves any modification that may be made to the Westchester Smart Power Electric Service Agreement after January 20, 2016.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**17. Authorization – Snow Removal Contract Westchester County Roads**

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the following was approved,

RESOLVED, that the Mamaroneck Town Board does hereby approve the Intermunicipal Agreement between the Town of Mamaroneck and the County of Westchester, for the County to obtain services from the Town of Mamaroneck, for the removal of snow and ice from designated County roads within the Town of Mamaroneck, for the period of October 1, 2015 through September 30, 2020, and

BE IT, FURTHER

RESOLVED, that the Town Administrator is hereby authorized to execute said Agreement on behalf of the Town.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**18. Authorization – 2016 Ambulance District Service Fees**

On motion of Councilman Murphy, seconded by Councilwoman Katz, it was

RESOLVED, that the Mamaroneck Town Board does hereby approve the 2016 Ambulance District Fee Schedule as follows:

BLS Emergency	\$610 (1.7% increase)
ALS I Emergency	\$755 (1.3% increase)
ALS II Emergency	\$855 (1.2% increase)
ALS Assessment	\$70 (0% increase)
Mileage	\$15.00 per loaded mile (3.4% increase)

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**APPROVAL OF MINUTES**

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board Minutes from the meeting of January 6, 2016.

**WRITTEN COMMUNICATIONS**

None

**REPORT OF COUNCIL**

Councilwoman Elkind Eney attended, with Councilman Odierna, the Village of Mamaroneck Chamber of Commerce Meeting, at which they spoke at great length about parking meters on Mamaroneck Avenue. On January 9<sup>th</sup>, she and many of the Members of the Board attended the Dr. Martin Luther King, Jr., Event. The Event held by the Larchmont Mamaroneck Human Rights Committee was themed Public Education – Is the Dream Still Alive. The speaker was Judith Johnson, a New York State Regent and the honorees where, Kay Francis Richards and Clifford Wolf. It was a wonderful and meaningful celebration. Councilwoman Elkind Eney attended the Recreation Commission Meeting, at which they toured the Ice Rink, noting everyone’s enthusiasm over the latest improvements. Councilwoman Elkind Eney attended the Planning Board Meeting, they continue with applications and discussions around streamlining the approval processes. She and the many of the Members of the Town Board attended the Westchester Municipal Officials’ Association Dinner, the presentation was from Westchester Community College. Councilwoman Elkind Eney attending the Summit Meeting on January 19.

Councilwoman Katz attended the Summit Meeting, at which the Executive Director of the Community Resource Center, Milam Bhatt spoke about the barriers to integration. The Community Resource Center was formerly the Hispanic Resource Center. The name change reflects their service to the entire Community. The Coastal Zone Management Commission will meet next week, Traffic Committee met as well and she was unable to attend the Library Meeting.

Councilman Odierna thanked Councilwoman Elkind Eney for giving a great summation of the meetings she and he attended. After the Town Board’s January 6<sup>th</sup> meeting he was able to attend the end of the Zoning Board Meeting. Councilman Odierna and other Members of the Town Board, attended the wonderful LMC-TV Holiday Party.

Councilman Murphy had nothing more to report, but encouraged residents with the possible impending snow, to help their neighbors whenever possible.

Councilwoman Katz added, please help by removing snow from fire hydrants in front of your home.

Supervisor Seligson noted that she was proud to present a proclamation to Kay Francis Richards and Clifford Wolf at the Dr. Martin Luther King, Jr. Ceremony, for their service to our Community. Supervisor Seligson and Mr. Altieri hosted the Girl Scouts at the Town Yard to inform them about the Town’s Recycling Center, noting that the Chaperones seemed the most impressed. This led to a discussion of holding Community Tours of these facilities for Town residents. Supervisor Seligson also attended the Town Village School (TVS) Meeting, always an important Community Meeting. An important upcoming event is Grow It Green. This is an event the Town is helping to sponsor. It is being spearheaded by the Village of Larchmont Environmental Committee, and is a Community wide event to help residents learn how to have a more natural and organic landscape. Finally, the Sanitation Commission approved the 2016 Garbage Commission Budget. The Town Board will be updated on that at the next Town Board Meeting.

Councilman Odierna added that he attended, on behalf of Supervisor Seligson, the Westchester Joint Water Works Meeting. They will be implementing their automated (drive by) billing system in the next few months.

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**ADJOURNMENT**

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, the meeting was unanimously adjourned at 9:20 PM

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Submitted by  
Christina Battalia, Town Clerk