

MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON AUGUST 8, 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  
Connie Green O'Donnell, Assistant Town Administrator  
William Maker, Jr., Town Attorney

CALL TO ORDER - WORK SESSION

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

TAKEN OUT OF ORDER

Computer Use Policy

Additionally Present: Roz Cimino, IT Director

The Town Board reviewed the current Computer Use Policy drafted by Ms. Cimino. This was added to the regular agenda for this evening.

Discussion – Pet Dealer Legislation

The Town Board reviewed a letter from George Latimer asking the Town to consider the merits of local laws regulating pet stores and pet dealers. There was a proposed local law sent with Senator Latimer's correspondence. The Town Board felt they did not want any legislation that regulated individual breeders. The Board asked Mr. Maker to prepare a draft for discussion. Mr. Maker was asked to remove Westchester County from paragraph (a.).

Review – Rock Removal Law

The Town Board reviewed the current draft legislation. Mr. Maker noted the changes since the last draft and discussion. The Town Board asked for the removal of jail time under the violations. The Town Board added the setting of a Public Hearing on this legislation for this evening's regular agenda.

Update – Cambium Residential Development Project

The Town Board reviewed a memo from Mr. Altieri dated August 4, 2016. Mr. Altieri's memo addressed; A. Affordable Rental Units, B. Building Superintendent's Apartment, C. Façade Improvement - New York Sports Club Building. Mr. Altieri's memo outlines clearly the process for renting the affordable units, additionally, it was clarified that after the Developer leaves the affordable units will be administered by the Condominium Association. The Board discussed the Building Superintendent's Apartment as addressed in Mr. Altieri's memo. On this evening's agenda is a referral to the Planning Board and the Board of Architectural Review, for approval of the façade for the New York Sports Club Building, this is a condition of the Special Permit.

ADDED ITEM

Tree Permit Appeal (on this evening's regular agenda)

The Town Board was informed that the Tree Appeal was withdrawn, and therefore making a hearing on an appeal moot. This led to a discussion of why the Town Board hears these appeals. The Town Board discussed having the appeals referred to a Land Use Board. Mr. Maker was instructed to draft legislation to that effect.

TAKEN OUT OF ORDER

Update – Floor Area Ratio

The Town revisited whether they would like to hire Frank Fish to attend a worksession to discuss amending this law. Mr. Altieri stated that he did address the cost of doing this work with Mr. Fish, who suggested that in order to keep the cost down, the Town Board should clearly specify the scope of work. The Town Board agreed that they would like to only address the smaller zones. Mr. Maker suggested that Frank Fish be given the chart the Town Board discussed a few meeting ago. Specifically, the chart that was prepared by Alexa, the Town intern, for an analysis by Mr. Fish of what could be amended. The Board also suggested asking Frank Fish what other municipalities are doing. Mr. Altieri will try and have something for the Board to review at the September meeting.

In rem Proceedings

Mr. Maker reported that he has received the Order from the Judge in these proceedings. The next step for the Town is to prepare the Deeds on these properties and then declare them surplus. This could be done at the first September meeting. Councilwoman Elkind Eney asked if Mr. Maker could prepare a report of the total cost of the in rem process. The Town Board would like to review these moving forward every five years. Additionally, Mr. Maker will have Tony Siligato prepare a yearly report of properties that could fall into in rem.

The Town Board also asked for a loss run from the insurance carrier each year.

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, the Board unanimously agreed to enter into an Executive Session to discuss Litigation between the Town of Mamaroneck and Janet V. Scully.

EXECUTIVE SESSION

Litigation between the Town of Mamaroneck and Janet V. Scully.

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

Mr. Altieri reported that with respect to the Redwood Nursey situation, the Town is awaiting the results of the soil testing.

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**

*The Town's summer programs have been going very well. The camps and other recreation programs have all been well attended and successful summer fun. The last Summer Concert is tonight in Memorial Park. The Town's new website is up and running and will provide new online pay features in the next few weeks. Residents will be able to sign up for recreation programs, and everyone will be able to pay parking and other violations online. Soon you will be able to pay your school taxes online too. I co-hosted a radio show this morning on WVOX with Mike Dandry to talk about sustainability and energy savings.*

**CITIZEN'S COMMENTS**

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

**TREE APPEAL HEARING – 43 Stoneyside Road**

The appeal was withdrawn.

**BOARD OF FIRE COMMISSIONERS**

The Meeting was called to order by Commissioner Seligson, and then on motion of Commissioner Odierna, seconded by Commissioner Katz, 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. Presentation – Fire Department Insurance Service Office Classification Report**

Chiefs' Chief Noah Goldberg, Deputy Chief Joe Russo and Deputy Chief Paul Tortorella were present to announce that effective November 1, 2016, the Insurance Services Office, Inc. – Public Protection Classification (ISO – PPC) has reconfirmed that the Department has retained its Class 2 Rating.

The Town Board commended the Department for maintaining such a professional and well run Department.

**2. FIRE CLAIMS**

On motion of Commissioner Elkind Eney, seconded by Commissioner Katz, 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:

AT&T Mobility	Wireless Service for 6/12 -7/11/16	\$360.98
Atlantic Westchester, Inc.	Hvac Maintenance 7/19/16	145.00
Bound Tree Medical LLC	Sanitizer, gloves - large & extra large	172.00
Cablevision	Cable services for 7/23 - 8/22/16	198.04

CIT Finance, LLC	Xerox Copier Contract - July 2016	261.56
Chatsworth Cleaners	Uniform cleaning	162.83
Collins, Brendan	Software	99.00
Carrot -Top Industries Inc.	Replace torn flags - Us Flag, NY Flag, POW Flag	208.60
Carrot -Top Industries Inc.	Replace torn flags -digital	561.94
Fire Companies.Com, Inc.	First due package (monthly access) - (3) months	239.97
Grainger	Building supplies - replace fan	103.54
Grainger	Building supplies - scrubber spongee, trash bags, etc	243.98
Grainger	Replace water nozzle, Building supplies -replace fan	187.29
New England Uniform	Adult Tee Shirts and Youth Tee Shirts	1,000.00
New England Uniform	Captain badge	70.00
Ready Refresh	Rental for water coolers at FD HQ 6/19-7/18/16	114.96
S.G. Fire Protection	Kitchen hood cleaning 7/6/16	350.00
Sound Shore Pest Control, Inc.	Exterminating services on 6/27/16	65.00
Town of Mamaroneck Fire Dept.	Food for July 2016 Fast Drill	240.00
Tony's Nursery Inc.	Propane tanks 6/30 & 6/9/16	120.00
Uni First Corp.	Cleaning supplies for building 7/8, 7/15, 7/22, 7/29/16	188.94
Villa Maria Pizza	New members Explorer Drill meal 7/6/16	61.17
Westch Elevator Services, Inc.	Maintenance for month of July 2016	175.00
W J W W	205 Weaver St. water chgs 6/30 - 9/30/16	100.00
		0
<b>Total:</b>		<b>\$5,429.80</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

2. Other Fire Department Business

Commissioner Elkind Eney read the Fire Report for the Month of July as submitted by Chief Goldberg as follows:

July 2016

<u>ALARM TYPE</u>	<u>NUMBER</u>
Generals	39
Minors	32
Stills	3
Out of Town (Mutual Aid)	2
EMS	38
Drills	4
<b>TOTAL</b>	<b>118</b>

Total number of personnel responding: 947  
 Total time working: 52 hours and 54 minutes

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

AFFAIRS OF THE TOWN

1. Set Public Hearing – Section 8 Housing Administrative Plan

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

RESOLVED, that the Mamaroneck Town Board does hereby set the date for a Public Hearing on the Section 8 Housing Administrative Plan, for October 5, 2016 at 8:00PM in the Town Center, 740 West Boston Post Road, Mamaroneck, and

BE IT FURTHER,

RESOLVED, that the Town Clerk is hereby authorized to publish the notice of said hearing in a newspaper appointed as an official newspaper, and that said Notice, be posted.

2. Referral of Architectural Façade Plan – Cambium Development Project

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

RESOLVED, that the Mamaroneck Town Board does hereby refer the exterior façade plans for the commercial building on Madison Avenue adjacent to the Cambium Development to the Planning Board and Board of Architectural Review.

3. Authorization – IMA – Town of Rye – Assessment Grievance

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Intermunicipal Agreement between the Town of Mamaroneck and the Town of Rye, whereby (A) the Town of Mamaroneck’s Board of Assessment Review will adjudicate a grievance challenging the assessed valuation of a property in the Town of Rye and (B) The Assessor of the Town of Mamaroneck will represent the Town of Rye in that proceeding.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

4. Request for Reduction in Performance Bond – Durham Road Subdivision

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

WHEREAS, the Town has received a request from the developer of the Durham Road Subdivision to reduce the amount of the outstanding performance bond for the public improvements that were required as part of the subdivision approval, and

WHEREAS, the Town Engineer reviewed the request and in consultation with Westchester Joint Water Works, established a schedule of value for the bond reduction commensurate to the work performed, and

WHEREAS, the original performance bond for public improvements was in the amount of \$876,436.00, and

WHEREAS, the modified request is to reduce the performance bond amount to \$95,761.50, in keeping with the recommended schedule of values, and

WHEREAS, the Town Engineer has prepared a listing of all the public improvements that were constructed in the subdivision, the quantity and value for each improvement, and the percentage to be held for each item (see The attached spreadsheet) and recommended to the Town Board that the bond be reduced to \$95,761.50, and

WHEREAS, these amounts will be held until such time as the Town agrees to accept the public improvements.

NOW THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the reduction of the Durham Road Subdivision Performance Bond to \$95,761.50.

**SPREADSHEET as ATTACHMENT A**

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

**5. Authorization – Capital Projects – Purchase of Veterans of Foreign War Building**

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

RESOLVED, that the Mamaroneck Town Board does hereby authorize the establishment of Capital Project #2016-52 Purchase of Veterans of Foreign War Building as detailed by the Town Comptroller in the following schedule:

<b><u>ESTABLISH 2016 CAPITAL PROJECT &amp; BUDGET - PURCHASE VFW (SR CTR BLDG)</u></b>			
		<b>8/8/2016 TOWN BOARD MEETING</b>	
		<b><u>CAPITAL PROJECTS FUND (FUND H):</u></b>	
		ESTABLISH BUDGET:	
EXP	H.1621.0400.2016.52	SENIOR CENTER (VFW BLDG)	\$ 2,230,000.00
REV	H.0000.5710.2016.52	SERIAL BONDS	\$ 2,230,000.00
		<b>(CAPITAL PROJECT #2016-52)</b>	
		<b>* Establish Capital Project Budget to properly account for the purchase &amp; associated expenses related to the Town acquiring 1288 Boston Post Road building/property.</b>	
		<b>(Bond resolution in the amount of \$2,230,000 previously adopted on June 15, 2016.)</b>	

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

6. Authorization – Amendment to Capital Project 2016-04 – Roads Curbs & Sidewalks

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

RESOLVED, that the Mamaroneck Town Board does hereby authorize the amendment to Capital Project #2016-04 Roads Curbs and Sidewalks, in the amount of \$168,168, for the road restoration of East & West Brookside Drives, Mohegan Road and Avon Road, as detailed by the Town Comptroller in the following schedule:

<b>AMEND 2016 CAPITAL PROJECT &amp; BUDGET - ROADS, SIDEWALKS &amp; CURBS</b>				
8/8/2016 TOWN BOARD MEETING				
<b>CAPITAL PROJECTS FUND (FUND H):</b>				
<b>AMEND BUDGET:</b>				
EXP	H.5110.0400.2016.04	ROADS, SIDEWALKS & CURB IMPROVEMENTS	\$ 168,168.00	
REV	H.0000.2770.2016.04	MISCELLANEOUS - OTHER SOURCES	\$ 168,168.00	*
(CAPITAL PROJECT #2016-04)				
<i>(Increase project budget with \$168,168 additional funding from Con Edison for the road restoration of East &amp; West Brookside Drive, Mohegan Rd. and Avon Rd. as per agreement with Town.)</i>				
<i>Original Capital Project Budget:</i>			\$ 853,500.00	
<i>Funding source:</i>				
<i>TRANSFER FROM HIGHWAY FUND - 2016 BUDGET (C.H.I.P.S.)</i>			\$ 85,000.00	
<i>SERIAL BONDS - 2016 (Resolution adopted 2/17/16)</i>			\$ 768,500.00	
<i>CON EDISON AGREEMENT - R.O.B 8/8/16</i>			\$ 168,168.00	*
<b>Revised Capital Project Budget as amended on 8/8/16:</b>			<b>\$ 1,021,668.00</b>	

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

7. Consideration of Certiorari

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

RESOLVED, that the Town Board hereby authorizes the settlement of the following tax certiorari on the following terms:

Camdell Realty LLC

2082-2084 Boston Post Road  
Larchmont, NY 10538

Section/Block/Lot: 6/13/242  
Town of Mamaroneck/Village of Larchmont

<u>Year</u>	<u>Assessment</u>	<u>Amount of Reduction</u>	<u>Reduced Assessment</u>
2013	\$1,565,000	\$ 265,000	\$1,300,000
2014	\$1,565,000	\$ 40,000	\$1,525,000

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

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

RESOLVED, that the Town Board hereby authorizes the settlement of the following tax certiorari on the following terms:

Oriente Condominium Associates

490 Bleeker Avenue  
Mamaroneck, NY 10543

Block: 946 Lots: 1A through G36  
Town of Mamaroneck/Village of Mamaroneck

<u>Year</u>	<u>Assessment</u>	<u>Amount of Reduction</u>	<u>Reduced Assessment</u>
2009			
2010	NO REDUCTION FOR 2009 - 2012		
2011			
2012			
2013	\$17,768,200	\$ 4,518,380	\$13,249,820
2014	\$17,768,200	\$ 4,267,935	\$13,500,265
2015	\$17,768,200	\$ 3,967,500	\$13,800,700

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

8. Authorization – Computer Use Policy

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

RESOLVED, that the Mamaroneck Town Board does hereby approve the Computer Use Policy.

The above resolution was put to a roll call vote:

Murphy	Aye
Elkind Eney	Aye
Katz	Aye
Odierna	Aye
Seligson	Aye

9. Set Public Hearing – Amendment to Rock Removal Law

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

RESOLVED, that the Mamaroneck Town Board does hereby set the date for a Public Hearing on the “Amendment to Rock Removal Law” for September 7, 2016 at 8:00PM

in the Court Room of the Town Center, and

**BE IT FURTHER,**

**RESOLVED**, that the Town Clerk is hereby authorized to publish the notice of said hearing in a newspaper appointed as an official newspaper, and that said Notice, be posted.

**APPROVAL OF MINUTES – Deferred**

**WRITTEN COMMUNICATIONS**

None

**REPORT OF COUNCIL**

The Town Board Members reported on their various activities and meetings since the last Town Board Meeting.

**ADJOURNMENT**

The Meeting was adjourned in memory of Bill Capadano, an important citizen in our Community. Mr. Capadano was a devoted member of the VFW, working hard on outreach, and always being generous with his time and his talents. Our condolences go out to his family and friends.

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, the meeting was unanimously adjourned at 8:50 PM

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Submitted by  
Christina Battalia, Town Clerk