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Via electronic mail only [REDACTED]

[REDACTED]
Village of Mamaroneck

Dear [REDACTED]

Thank you for your email to Comptroller DiNapoli concerning the Village of Mamaroneck's ability to fund a mosquito larvicide program that includes the application of larvicide in the Otter Creek Preserve. The Comptroller has asked me to respond.

To clarify the role of the State Comptroller's Office, this office assists local officials by providing legal guidance to facilitate their proper operation, but we do not have the authority to substitute our judgment for local governing bodies or generally approve or disprove the determinations of local officials.

On April 6, 2026, we received a written inquiry from the Village Attorney regarding whether the Village may fund the application of larvicide on private property, a practice which we understand the Village has undertaken since 1989 but was apparently recently curtailed. In response, we reviewed with the Village Attorney the factors which must legally be considered under Public Health Law Article 15, Title 1 (Municipal Insect Control) which details the authority of municipal boards of health and the factors they are to consider when determining whether public funds may be used to address a mosquito problem that ranges across public spaces and privately-owned property. We informed the Village Attorney that this is something that must be determined locally and considered the matter closed following that dialogue.

Ultimately, under applicable law, the Village Board is required to consider the individual facts and circumstances presented, weighing the relative public health and private benefits of the proposed action. This Office is not legally empowered to render a decision regarding this program.

We hope this response clarifies our Office's role regarding the mosquito control matter under discussion in the Village, and we encourage you to share your concerns with Village officials, who can work with their attorney to determine the appropriate course of action.

Sincerely,

Eric Eichenlaub
Associate Counsel

cc: Steven Pambianchi, Village Attorney