

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York 10504

on  
October 7, 2008

Supervisor Berman called the meeting to order at 6:00 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Roland A. Baroni

Councilman Gerald R. Geist and Councilman William R. Weaver were absent.

The meeting was immediately adjourned into Executive Session to discuss real estate and personnel matters. The Executive Session was closed at 7:30 p.m.

The regular meeting was reconvened at 7:33 p.m.

The minutes of the Public Hearings which commenced at 7:45 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the September 24, 2008 work session and regular meeting and the October 1, 2008 work session.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman read a plaque in honor of John Patrick Maron, who achieved the rank of Eagle Scout for building a dock and a pier at Westmoreland Sanctuary as his Eagle Scout project. Mr. Maron was not able to attend the meeting.

Supervisor Berman made the following announcements:

- Contracts have been signed between the New York City Department of Environmental Protection and Michael Fareri for the DEP's purchase of the former bowling alley property on Old Route 22.
- New York State Department of Taxation and Finance will be mailing the 2008 Star Rebates for eligible recipients during the week of October 20<sup>th</sup>. The STAR program offers property/school tax relief. If you have questions about your eligibility, please contact Assessor Anna Maria Marrone's office.
- The Byram Hills PTSA is having its 1<sup>st</sup> Annual Halloween Fun/Run Walk on Sunday, October 26<sup>th</sup> beginning at the gazebo at Wampus Brook Park. There will be races for all ages and ability levels. Registration forms are available on line at [www.bhptsa.org](http://www.bhptsa.org), the Hergenhan Recreation Center or the North Castle Public Library.
- October 23 - 30 is Global Warming Action Week. A focused and sustained 7-day collaboration to reduce carbon emissions in our Town will begin October 23. We are asking every resident and every business to participate. It is an opportunity to address this critical issue as a community and to discover our power for positive change is within our hands. Three events during the week will focus us on things we can do to help reduce environmental impacts. There will be a discussion of the book Field Notes from a Catastrophe on the evening of October 23<sup>rd</sup> at H.C. Crittenden School. On October 26<sup>th</sup> Green Awareness Day will be held at Wampus Brook Park. The third event will be a discussion on the evening of October 30<sup>th</sup> at H.C. Crittenden concerning the attitudes and behaviors that would produce sustainable reduction efforts. Consult the Town's website under "What's New?" and also the "Green Page" for more information.

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- Town Historian Dorrie Watson received the Historic Preservation Medal and Certificate from the National Society Daughters of the American Revolution on October 3. The Town and the County presented her with Proclamations.
- Cable TV transmissions of Town Board and Planning Board meetings continue to be tested and improved on our new channels originating from Town Hall. Armonk residents can view Board meetings on the Town's new Government Channels (Cablevision 18 and Verizon 39) in addition to the regular schedule that can be viewed on Cablevision 20 and Verizon 38. North White Plains residents can view meetings in two hour time slots on Cablevision 78. Verizon Channel 39 is available to North White Plains residents with complete meetings on air as scheduled. For Eastern District residents Cablevision service is available on Channel 20 and Channel 18. Verizon FIOS TV service is currently not available to most Eastern District residents.
- Construction work on the Central Westchester Parkway, linking Interstate 287 and Route 22, will be halted or restricted in observation of Yom Kippor and Columbus Day.

Councilman Kittredge moved, seconded by Councilman Schiliro, the appointment of Lewis Henkind to the Assessment Board of Review for a term to expire September 30, 2009.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Dana Harlich, manager at The Gym, spoke about their interest in forming a committee to promote youth fitness in the community; she is reaching out to anyone who wants to become involved. Supervisor Berman commented that The Gym does not view this as a promotion to benefit them monetarily, but rather as a benefit to the community which will start with one or two key events to promote awareness. Ms. Harlich asked for help from the Board to identify people who may be interested and to help spread the word. Anyone interested can contact Jamie Nicastrì at The Gym at 914-219-1601 or by e-mail at [jnicastri@gettothegym.com](mailto:jnicastri@gettothegym.com).

Councilman Kittredge moved, seconded by Councilman Schiliro, that a letter from Director of Planning Adam Kaufman regarding the Special Use Permit application from Perfect Endings Bakery for outdoor seating at 470 Main Street, Armonk, be received and a public hearing scheduled for October 22, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Director of Planning Kaufman explaining that the Planning Board would like additional time for study of the Special Use Permit application from Jack DiPietro for the storage of contractor's equipment at 20 Banksville Avenue.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Director of Planning Kaufman regarding the Special Use Permit application from Murray Kessler for additional horses at 14 Middle Patent Road, Armonk, and further moved that the Town Board declare its intent to act as lead agency for environmental review under SEQRA; authorization be granted for circulation of a notice of intent to act as lead agency; and a public hearing be scheduled for November 5, 2008. Mr. Kaufman stated that the current location of the paddock area does not meet minimum requirements. Outstanding issues include whether the pre-existing paddock area can continue to be used or if it must come into conformance, which would require a change in plans, or if a variance would be needed. Supervisor Berman requested that the Town Attorney Baroni and Mr. Kaufman resolve the outstanding issues with the applicant before the public hearing.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from NYCDEP regarding its acquisition of the bowling alley property on Old Route 22 from Michael Fareri for water supply protection. Supervisor Berman explained that part of the required process for the DEP acquisition involves community review regarding structures, proposed recreational use, signing and fencing. The Supervisor requested that Town Clerk Leber notify nearby businesses and homeowner associations to solicit their comments and that Director of Planning Kaufman prepare a response letter to the DEP to include community input.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Upon the recommendation of General Foreman Useted, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to issue a license to Bria Carting Company to collect and dispose of refuse.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of the Armonk Nursery School to place a sign under the eagle to publicize the Halloween Parade scheduled for October 31, 2008. The Nursery School will contact the Police Department to request a traffic control officer.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of the Armonk Independent Fire Company to place a sign under the eagle to publicize its Blood Drive scheduled for October 18, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of the North Greenwich Nursery School to place a sign under the eagle to publicize its Apple Festival scheduled for October 18, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance of donations to the North Castle Public Library in memory of Gerald Reinersman.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter and petition from Fareri Companies for inclusion of property at 170 Bedford Road, Armonk (Section 2, Block 13, Lot 27), in Water District No. 7. Supervisor Berman asked Sewer and Water Superintendent Anthony Futia which neighboring properties were not included in Water District #7, and Mr. Futia said 150 Bedford Road and 156 Bedford Road were not in the district. Town Attorney Baroni advised that a finding be made regarding the benefit of the extension of the district to all properties, including those that may not choose to be included. Supervisor Berman

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moved, seconded by Councilman Kittredge, that the matter be referred to Kellard Sessions Consulting, P.C., and to the Sewer and Water Department for review and report.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Westchester County Department of Environmental Facilities regarding Enforcement and Organic Yard Waste Collection for Fall 2008. Supervisor Berman explained that all municipalities must have arrangements to collect leaves and other yard waste separate from trash, as the Town has, to comply with the County's Source Separation Law.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from the Westchester County Board of Legislators regarding a proposed law to limit idling time for all motor vehicles in Westchester County.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a report from GEA Engineering, PC. entitled *Windmill Gravel Pit Dam Assessment*, receipt of a memo from Town Engineer John Kellard summarizing report findings and recommending a meeting be scheduled with the engineer from GEA, and authorization for Finance Director Dawn Donovan to make payment to GEA for engineering services for the Windmill gravel pit dam inspection in the amount of \$4,850. Supervisor Berman requested that the meeting be scheduled to include Superintendent Tony Futia, Assistant Superintendent Sal Misiti, John Kellard, John Fava, Rich Fon and one Board member. Mr. Futia reported that, when he visited the location on two separate occasions, fences on town property had been removed and canoes and kayaks were present, indicating the property was being used for recreational purposes. Town Attorney Baroni asked if the fences have been since been reinstalled, and Mr. Futia replied that they had not, and a survey must be done to confirm the sections that are located on town property. Building Inspector Richard Fon reported then when he visited the homeowner on a separate occasion, that about one thousand feet of fencing had been removed, but there was no evidence of recreational equipment which may have been removed in anticipation of his visit. Mr. Baroni said the fences on town property should be reinstalled to protect the watershed.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that Finance Director Donovan be authorized to make payment to The Appraisal Services Group, Inc. for appraisal of property located at 22 Cowdray Park Drive (Section 12, Block 11, Lot 11.2), in the amount of \$5,500.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memo from Assessor Anna Maria Marrone regarding STAR rebate amounts covering all five school districts in the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

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Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from the New York Power Authority regarding a proposed increase in Westchester County governmental customer rates for 2009. The proposed production rate increase would be 41.8% over current rates and would go into effect on January 1, 2009.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a report and recommendations prepared by the North Castle Conservation Board related to surface-water/ground water quality summary reports of the East Branch of the Mianus River from 2004 to 2008 conducted by Leggette, Brashears & Graham, Inc.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that a letter from NC4 Chairman Jane Cahn with respect to the donation of a vehicle by Westchester County to NC4 be tabled pending research by Councilman Schiliro regarding insurance and estimated maintenance.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt and filing of the Town Clerk's report for September, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that a Notice of Claim from Stacey Ross be received and referred to the Town Attorney.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Workers Compensation Reports on Anthony Micelli and Robert Candrea, Highway Department.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a Land Bank Parking Agreement with Amir and Nabee Kahn, 18 Bedford-Banksville Road, Armonk (Section 1, Block 12, Lots 3.G).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to execute an easement agreement with 40 Green Valley Road, LLC (Section 1, Block 9, Lot 20.2-12) to provide a grant of public access to and the use of the easement area for vehicular traffic.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

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Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with Dominican Sisters Family Health Service for payment by the Dominican Sisters of the cost for home delivered meals to approved residents of the provision of meals to approved patients in the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a water main easement agreement with Southern Westchester BOCES. Supervisor Berman said that the water main would also allow the hook up of homes in the area.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Tony Futia asked whether the DEP will pay entirely for its purchase of the former bowling alley property at George Smith Place and Old Route 22, and Supervisor Berman replied that the DEP will pay the entire amount.

The Town Board audited and approved payments totaling \$9,880,870.71 as indicated on Warrant #18.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:40 p.m. in memory of Marge Moore; Superintendent of Schools Jackie Taylor's mother; Rose See, Ida Ross' sister; Dana and Howard Siskin's daughter Eliza; and Michael Gross.

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Ann Leber, Town Clerk

Dated: October 17, 2008

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PUBLIC HEARING

October 7, 2008

At 7:45 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from September 24, 2008, to consider establishing a landmark designation pursuant to Chapter 126 of the Town of North Castle Code for the parcel located at 481 Bedford Road, Armonk, New York (Section 1, Block 09, Lot 17.2).

An e-mail from Angela Schuler, 483 Bedford Road, dated October 6, 2008 and a letter from Director of Planning Adam Kaufman dated October 7, 2008 were marked Exhibit "F" for the record.

P. Daniel Hollis, III of Shamburg Marwell, et al., on behalf of his client John Cronin, owner of 481 Bedford Road, stated that the applicant has applied for landmark designation for the house on his property, and that the Landmarks Preservation Committee and the Planning Board have recommended that the Town Board approve this designation.

Director of Planning Adam Kaufman explained that, at the Planning Board Public Hearing on October 6, 2008, the Board discussed the neighbors' concerns whether a landmark designation for the existing house would impact on the proposed location for the new house to be built as the primary residence. Mr. Kaufman said the Planning Board determined that the site of the existing house would not be an appropriate location for the new house. Supervisor Berman confirmed with Mr. Kaufman that the location of the existing house is irrelevant to the site of the proposed house. The Supervisor stated that the Town Board is considering the landmark designation in terms of historic preservation only and not in connection with the siting of the proposed house.

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J.R. Cavallaro, 479 Bedford Road, said he would like to have the Cronin's septic removed from his property and moved onto the Cronin's property. Supervisor Berman said that this is not an issue regarding landmark designation. When Mr. Cavallaro asked if the landmark designation language addresses the easement for the septic, Mr. Kaufman explained that the easement runs with the land Town in perpetuity, and that the Town was not involved with the granting of the easement. Town Attorney Baroni asked Mr. Cavallaro if he bought the property knowing there was an easement, and Mr. Cavallaro replied that he had. He asked that, if the existing house is renovated as planned from a four bedroom to a two bedroom, would there then be room for its septic on the Cronin property. Mr. Hollis said that the Planning Board had requested that the applicant determine and report back if there is room for storm water measures and a new septic with a one hundred percent expansion, but that the Board had not directed the applicant to abandon the easement.

Town Historian Doris Finch Watson urged the Town Board to preserve as many early buildings as possible to help maintain the character of the Town. Mrs. Watson said that 481 Bedford Road is an historic treasure that was listed as one of the most historic homes in Town by the North Castle Bicentennial Committee.

Supervisor Berman thanked Mr. Cronin for applying for landmark designation and explained that some owners do not want to have their houses considered for landmark designation because it limits the renovations which can be done. To encourage preservation, landmarks preservation legislation was developed which includes the provision for owners to build a second house on the property which otherwise would not be permitted.

No other correspondence or comments were entered for the record.

Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 8:00 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of a landmark designation pursuant to Chapter 126 of the Town of North Castle Code for the parcel located at 481 Bedford Road, Armonk, New York (Section 1, Block 09, Lot 17.2).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

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Ann Leber, Town Clerk

Dated: October 20, 2008

PHRE Landmark Des. 481 Bedford Rd. 10-07-08.doc

Note: Public Hearing: September 24, 2008

Reconvened Public Hearing: October 7, 2008

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PUBLIC HEARING

October 7, 2008

At 8:01 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Notice that follows:

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NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on October 7, 2008 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering amending Chapter 158 (Recycling) of the Town Code to mandate recycling for businesses, update various recycling provisions and increase fines for recycling non-compliance.

By Order of the Town Board  
Ann Leber, Town Clerk

Dated: September 26, 2008

The Public Notice read by the Town Clerk was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

A letter from the Director of Planning Adam Kaufman dated March 18, 2008 was marked Exhibit "D" for the record.

Councilman Kittredge stated that the Town's Recycling Committee was pleased with the proposed legislation.

Councilman Schiliro asked Mr. Adam Kaufman why cardboard had been eliminated from the definition of paper. Mr. Kaufman explained that cardboard is now included in a separate category.

Councilman Schiliro asked who would enforce the revised legislation, and Mr. Kaufman replied that the Code Enforcement Officer, who is also the Recycling Coordinator, will enforce it. Supervisor Berman said the refuse collection company also will enforce the law as the company can be fined for any recyclables that are mixed with the trash.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 8:03 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.  
Noes: None.

Councilman Kittredge moved, seconded by Councilman Kittredge, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.  
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the adoption of Local Law 17 of the year 2008 for the purpose of considering amending Chapter 158 (Recycling) of the Town Code to mandate recycling for businesses, update various recycling provisions and increase fines for recycling non-compliance.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.  
Noes: None.

The Local Law follows:

**TOWN OF NORTH CASTLE**

**Local Law No. 17 For the Year 2008  
(Adopted October 7, 2008)**

A local law to Amend Chapter 158 (Recycling) to Mandate Recycling for Businesses, Update Various Recycling Provisions and Increase Fines for Recycling Non-Compliance.

**Section 1.** Amend the Definition of RESIDENT in Section 158-4 of the Town Code as follows:

RESIDENT – Any person, business, organization or institution residing within the Town on a temporary or permanent basis. For the purposes of this chapter, “resident” includes all commercial, industrial and institutional establishments.

**Section 2.** Amend the Definition of PAPER in Section 158-4 of the Town Code as follows:

PAPER -- All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogues, junk mail, computer paper, telephone books, newspaper, and clean pizza boxes, but shall not mean, wax paper, plastic or foil-coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

**Section 3.** Amend the Definition of PLASTIC CONTAINERS in Section 158-4 of the Town Code as follows:

PLASTIC CONTAINERS -- Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Town Board may designate, numbered 1-6.

**Section 4.** Amend the Definition of SOURCE SEPARATE in Section 158-4 of the Town Code as follows:

SOURCE-SEPARATE -- To separate recyclable materials from the solid waste stream at the point of waste generation into separate containers containing 1) paper, lightweight cardboard and newsprint and labeled “paper,” 2) commingled glass, cans and plastic containers numbered 1-2 (and 3-6 if your carter is able to accept) and labeled “bottles, cans and plastics,” 3) other waste labeled “waste” and 4) tied bundles of heavyweight cardboard.

**Section 5.** Amend Section 158-5.C of the Town Code as follows:

Delete the words Program Expansion

**Section 6.** Amend Section 158-5.C(1) and (2) of the Town Code as follows:

The curbside program shall include, the collection in separate containers, bundles or packages, as appropriate, the following designated recyclable materials:

- (a) Paper, Lightweight Cardboard and Newsprint
- (b) Commingled glass, cans and plastic containers numbered 1-2 (and 3-6 if your carter is able to accept).
- (c) Heavyweight Cardboard

Newspaper, magazines, clean pizza boxes, phonebooks, and junk mail shall be commingled and placed in brown paper bags or tied with cord in bundles not higher than 10 inches. Heavyweight cardboard shall be broken down, cut, separated and bundled not higher than 10 inches and not wider than 36 inches in either direction. Glass bottles, all aluminium, tin and metal cans, clean foil, pie plates, plastic containers numbered 1-6 shall be rinsed. All items shall be placed in blue tinted or clear recycling bags or in recycle bins.

**Section 7.** Amend Section 158-12 of the Town Code as follows:

§ 158-12. Penalties for offences.

- A. Any person who engages in unlawful conduct as defined in this chapter may, upon conviction thereof in a proceeding before a court of competent jurisdiction, be deemed guilty of a misdemeanor punishable by a fine not to exceed \$500 and not less than \$100. A \$1,000 fine for the fourth and succeeding violation shall be required.
- B. Each continuing day of violation of this chapter shall constitute a separate offence.

**Section 8.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 9.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 10.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: October 7, 2008

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Ann Leber, Town Clerk

Dated: October 20, 2008