

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
November 5, 2008

Supervisor Berman called the meeting to order at 5:00 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Gerald K. Geist William R. Weaver Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Kristen Holt

Councilman Rebecca A. Kittredge was 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 reconvened at 7:35 p.m.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the minutes of the October 22, 2008 regular meeting.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

The minutes of the Public Hearing which commenced at 7:48 p.m. follow at the end of these minutes.

Councilman Geist spoke about the incredible voter turnout for the November 4th election, and commended voters for choosing to participate and exercising the treasured right to vote.

Supervisor Berman made the following announcements:

- The highway department began vacuuming leaves the middle of October. The last day for leaf vacuuming will be November 30th. Please continue to make every effort to reduce the number of leaves that you put out. Most of us can blow our leaves into the woods, can compost, or a combination of both. Although the Town is continuing its normal leaf pick-up this fall season, we may need to alter our pick up next year. A lot will depend on whether we voluntarily reduce the leaves that are put out for vacuuming. Please do your part to reduce the numbers of leaves you put out for vacuuming. Thank you.
- I was in the Wampus Avenue area on Halloween evening; I saw the large number of children and witnessed the positive interaction with our Police officers. Thank you to all of the Police officers who worked Halloween evening. The type of service provided by the Town's Police Department is not found in all communities.
- Lucy Riggs has written a note of appreciation to the community which reads as follows: "On behalf of the residents of Wampus Avenue and the Interfaith Food Pantry in Pleasantville, we would like to express our sincere appreciation to everybody who donated to the Halloween Food Drive. We collected two car loads of food for needy families of Westchester. And, special thanks to 8th grade students Tracy Levy and Liat Kimmel for a very large food donation."
- According to the Board of Elections website, North White Plains residents voted 264 For and 159 Against to create a small retirement plan for active members of the Valhalla Ambulance Corps.

Supervisor Berman read the proclamation in honor of Adopt-A-Dog, Inc. to commemorate “Animal Shelter Appreciation Week” in North Castle.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Kellard Sessions, P.C. regarding the bid for refuse and recyclables collection. Supervisor Berman said that, in their letter, Kellard Sessions recommended that the bid be awarded to Suburban Carting Co. The Supervisor explained that the bid documents included three alternates for consideration: 1) the collection and transfer of yard waste, for an additional fee; 2) a proposal to collect paper materials and commingled materials on alternate weeks, at a cost savings; and 3) an alternate fuel option that would replace older diesel trucks with compressed natural gas (CNG) models, at considerable additional expense.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Nick Orlando, owner of Suburban Carting Co., said the company is asking the Board to consider the second option of alternate week collection of paper and commingled recyclables due to continuously increasing volume. Mr. Orlando explained that this increase has made it necessary to utilize collection vehicles that have compaction capability and that can carry greater volume. He explained that the current use of open body trucks, to separately collect trash and recyclables in the Town, is extremely inefficient. Suburban is recommending the use of split load trucks which can collect both trash and recyclables in the same pick-up. Mr. Orlando explained that bi-weekly recycling of paper materials would not require residents to break down and bundle cardboard. Newspapers could be placed in thirty to forty-five gallon containers without being bundled and tied. Commingled material could also be placed loose in larger containers without bagging. Mr. Orlando commented that the Town of Ossining, which has once a week pick-up, looks cleaner using the bi-weekly recycling method, and that the volume of recyclables has increased. Supervisor Berman asked how back door pick-up would be handled under a bi-weekly recycling program, and Mr. Orlando replied that smaller trucks, used for back door pick-up and for narrower street in North White Plains, were previously retrofitted with large buckets for collection of recyclables.

Supervisor Berman said that implementation of a bi-weekly recycling program would reduce the Town’s cost by \$40,000. Supervisor Berman asked Mr. Orlando and Ms. Chickering how residents would be educated to avoid some regressing or not participating in recycling. Diane Chickering, Account Representative and Recycling Coordinator for Suburban, said the company would create a video at their expense to be aired on the Town’s cable television channels. Mr. Orlando added that the company would create a flyer, also at their expense, to be mailed with the sanitation calendar including decals that could be placed on containers for recycling. In response to Supervisor’s Berman’s question regarding how recyclables put out on the wrong week would be handled, Mr. Orlando said that for the first two weeks they would use an additional truck to pick up recyclables. Based on experience, he said it should take about a week for residents to get accustomed to bi-weekly recycling. Ms. Chickering added that Tom Baroni, the Town’s Recycling Coordinator, will be following the truck to ensure residents are more accountable for recycling and to increase the amount of gray cardboard, such as cereal and pizza boxes, which now must be recycled.

Councilman Schiliro asked if there were a simple system to know which recyclables would be picked up each week, and Mr. Orlando replied that the use of the informational calendar and labels that would be placed on items left behind would explain the new program. Mr. Schiliro added that he thought the bi-weekly recycling would be a short term inconvenience but would result in a long term benefit. He said the Town must continue to look at ways to save money and it was necessary for residents to pitch in to help the environment and reduce the Town’s expenses. Supervisor Berman added that the current use of one truck for trash and one for recyclables uses twice as much fuel and results in twice as much carbon emissions. Mr. Orlando said that one diesel garbage truck produces as much emissions as 375 cars, and that these vehicles are the biggest polluters in the country.

Councilman Geist stated that it is necessary to evaluate the real cost of bi-weekly recycling which he said would result in a savings of ten dollars per household. Mr. Geist said he firmly believed that the residents should have been asked for their input regarding a proposed change to

bi-weekly recycling which he views as an inconvenience as well as a quality of life issue. He said residents may need to purchase additional containers to store recyclables for longer periods and that some residents, especially seniors, may find it difficult to carry out these containers. He also expressed concerns that some residents may recycle less if this proposed change is implemented.

Councilman Weaver said the Town must decrease expenses while continuing to provide good service. Mr. Weaver thought saving \$40,000 was important and it was the Board's responsibility to make decisions that would reduce expenses and that there may be additional amounts of savings that could add up significantly. He said that he believed the residents would comply with a bi-weekly program.

Resident Dorothy Lander said her concerns were more of a personal nature as she had limited space to store bins.

Resident Sue Shimer said that in these difficult times people will need to make sacrifices and she expects the Board to ask residents to make sacrifices. Mrs. Shimer said that it is important for the Board to continue to find savings so residents can afford to live in the Town after retirement.

Tony Futia commented that if the agenda had indicated that a change in the pick-up of recyclables was being considered, the Board may have received more input from residents.

Councilman Weaver moved, seconded by Councilman Schiliro, that the contract for Refuse and Recyclables Collection, Transfer and Disposal Services to Residential Services be awarded to the low bidder, Suburban Carting, Co. (Sani-Pro Disposal Services Corp.), including the option for alternate week recycling.

The roll call vote was as follows:

Ayes: Councilmen Weaver, Schiliro, Supervisor Berman.

Noes: Councilman Geist.

Regarding the two other alternates in the bid documents, the collection and transfer of yard waste and the use compressed natural gas (CNG) trucks, it was determined that since these options would involve had additional costs, they would not be considered at this time. It was suggested to Suburban Carting that it may be more cost effective in the future for a group of neighboring towns to jointly purchase CNG trucks through a state contract and lease them to Suburban.

Councilman Schiliro asked if the recycling video could be a linked to the Town's web site, and Diane Chickering said that this could be done. Supervisor Berman said she will work with Suburban Carting Co. regarding the educational process.

Councilman Weaver moved, seconded by Councilman Geist, receipt of a letter from Director of Planning Adam Kaufman regarding the Town's response to the community review process in connection with the sale of the bowling alley property to NYCDEP, and further authorized Mr. Kaufman to mail the letter on November 10, 2008, after the November 7, 2008 deadline for community comments. Mr. Kaufman explained that the community review process gives the Town opportunity to express comments to the DEP about the use of the property. In the letter, Mr. Kaufman recommends that all existing structures and impervious structures on the site be removed; the property be open to the public for passive recreational use; and the DEP consider having the property and the adjacent property, owned by the DEP and the Town, open to the public both for hiking and the establishment of a recreational area to be maintained by the Town. The Town is also requesting that any necessary signage, for identification purposes only, be limited in size and number, and that no chain link fencing be installed.

Councilman Weaver stated his opinion that the Town would have been better served if the property was developed, and that the Town lost the opportunity to increase the tax base.

Sue Shimer asked if the Town had any decision making or used any open space funds with respect to the sale of the property, and Supervisor Berman responded that it had not.

Tony Futia commented that the development of the property would have been of benefit to the Town, but it was not done because certain groups were against it.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Weaver, receipt of the preliminary Town and Special Districts 2009 Budgets; and the scheduling of a public hearing for December 2, 2008. In response to a question from Sue Shimer asking if the preliminary budgets are available on the Town's web site, Supervisor Berman said that printed copies of the tentative budgets are available in the Town Clerk's office, and that the adopted budgets will be posted on the web site.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Chief D'Angelo with regard to requests for stop signs at the intersection of Grove Road and Lakeview Drive North and an increase in the minimum fine for parking violations; and the scheduling of a public hearing for November 19, 2008.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a letter of appreciation from Timothy Ryan commending the Highway Department for their assistance in overseeing the paving of Roberta Place this summer. Town Clerk Ann Leber read the letter aloud at Mr. Ryan's request.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a memo from Finance Director Dawn Donovan and authorization of a budget amendment to the 2008 Capital Fund.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted for the release of highway bonds to Scott Davis, Permit #592 in the amount of \$500; Richard Stumacher, Permit #676, in the amount of \$500; and Belvedere Installation, Permit #661, in the amount of \$750.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, adoption of a resolution to apply for Preserve America pre-grant designation:

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

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WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that the Town Board of the Town of North Castle will apply for the designation of the Town of North Castle as a *Preserve America* Community; and be it further

RESOLVED, that the Town of North Castle will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request from Byram Hills High School to place a sign under the eagle to publicize the production of "Broadway Melody Hour Murders" scheduled for November 20 – 22, 2008.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of St. Patrick's Church to place a sign under the eagle to publicize its Christmas Boutique scheduled for November 16, 2008.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a check, in the amount of \$9,446.00, from Cablevision as reimbursement for the Town's out-of-pocket expenses in constructing the fiber return line for access programming originating at North Castle Town Hall.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from New York State Department of Motor Vehicles notifying the town of a grant award, in the amount of \$4,955.00, to participate in the statewide "Buckle Up New York" campaign.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Upon the request of Superintendent Bruce Barnard, Councilman Geist moved, seconded by Councilman Schiliro, authorization for Finance Director Donovan to make Payment #4 to DeRosa Tennis Inc. in connection with the Lombardi Park road and parking lot improvement project in the amount of \$160,201.54.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a letter from Arthur Adelman, Coordinator, Armonk SeniorNet Learning Center, with regard to the accomplishments

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of the Center for the year 2008. Supervisor Berman said that SeniorNet will discontinue its operations as of June 30, 2009.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, authorization for the Town Attorneys to execute the Stipulation and Consent Judgment in the matter of Cassone - Index No. 16934/05 et al. v. Assessor of the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Weaver, Schiliro, Supervisor Berman.

Noes: Councilman Geist abstained due to attorney association.

Councilman Geist moved, seconded by Councilman Weaver, adoption of the Town's cell phone policy as follows:

Cell phones have been purchased by the Town of North Castle to increase the efficiency of communications between employees/departments and other essential/emergency personnel.

Purchase of new Cell phones will be made only in the event that an existing phone is damaged or in non-working order. No new phones will be purchased just to upgrade to a newer model.

The Department Heads and the Director of Finance will be monitoring all cell phones to ensure no excessive or inappropriate use occurs.

The following governs the use of these phones:

- here is no restriction of Direct Connect or cell phone use for business.
- Personal uses of either Direct connect or cell phone use should be kept to a minimum. No personal text messaging is allowed. The cell phones should not be used to conduct private business.
- You must be able to be contacted by the Town in the event of an emergency during nonworking hours.
- Directory assistance (411) should not be used, instead use 1-800-373-3411.
- In accordance with State law, cell phones are not to be used while operating a motor vehicle. Phones may only be used by the operator of a motor vehicle in the case of an emergency or with a hands free unit.
- The Cell phones are the property of the Town of North Castle; as such the Town dictates its use. Abuse of Cell phone will result in revocation of its use.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Cablevision informing the town of the deletion of MOJO, an HD Channel on 701, on December 1, 2008.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Upon the request of the Town Engineer and the recommendation of the North Castle Planning Board, Councilman Geist moved, seconded by Councilman Schiliro, approval of the release of the bond for the 135 Bedford Road site.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, authorization for Finance Director Donovan to make payment to Frederick P. Clark Associates Inc. in connection with the Armonk Downtown Business District Study, in the amount of \$7,685.67.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for Finance Director Donovan to make payment to Joken Development Corp. in connection with the Quarry Heights Low Pressure Sewer System, in the amount of \$253,582.69.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of the Town Clerk's monthly report for October, 2008.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of Workers Compensation Reports on Thomas MacInnes and Douglas Ross, Highway Department.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman moved, seconded by Councilman Geist, the appointments of Len Mitchell and Marilyn Heimerdinger as co-chairs of the Holiday Display Discussion Group; and the appointment of Hikari Chang, to replace Harry Abernathy who has moved out of town.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Shiliro, establishment of the position of Town Comptroller; and the scheduling of a public hearing for November 19, 2008 to consider modifying residency requirements for this position. Supervisor Berman explained that the Town's Finance Director is currently performing the duties of a Town Comptroller and is available to and works with all Board members. The position of Finance Director is under the sole authority of the Supervisor, but the position of Town Comptroller is a Board appointment.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the appointment of Charles Shapiro as Chairman of the Administrator Review Task Force, to replace John Reese who will remain a member. Tony Futia requested that he receive the meeting schedule for the task force and notes that are taken at the meetings, and Supervisor Berman said that the meeting dates would be posted on the Town's web site and that she would request that meeting notes be made available.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Following discussion regarding parking, traffic and start time with Allen Bain, producer and officer of Choose One Productions and Chris McDonnell, Assistant Location Manager, Councilman Geist moved, seconded by Councilman Weaver, approval of the ir request to film at

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The Little Spot, 850 North Broadway, North White Plains, on November 6, 2008, pursuant to Town Code, Chapter 106 "Filming" and police rules and regulations. The fee for filming, in the amount of \$2,500, was received.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a License Agreement with Andrew and Susan Cott, 9 North Lake Road (Section 1, Block 4, Lot 10-62) to maintain and repair the wall on a portion of the roadway.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the donation from Robert Dean, Naturescapes of a Heritage Rive birch tree. Supervisor Berman said that Naturescapes has been extraordinarily generous.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for Finance Director Donovan to make payment to GEA Environmental Consultants, Inc. for engineering services regarding Long Pond Dam Permit Application – Phase I, in the amount of \$11,500.00.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Sue Shimer asked if there was any salary increase associated with the reclassification from Finance Director to Town Comptroller and Supervisor Berman replied that there was not.

The Town Board audited and approved payments totaling \$448,092.55 as indicated on Warrant 20.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:45 p.m. in memory of James Aruilio, retired North Castle Police Detective, Thomas Kilpatrick, former North Castle Police Officer, James McCabe, Vincent Cannato, Jr. and Phyllis Torlish.

Ann Leber, Town Clerk

Dated: November 18, 2008

PUBLIC HEARING

November 5, 2008

At 7:48 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on November 5, 2008, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering the adoption of a Local Law to amend

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Chapter 46 entitled Sexual Harassment Policy and Chapter 169 entitled Smoking Policy of the Code of the Town of North Castle.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: October 27, 2008
Armonk, New York

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.

Supervisor Berman explained that these changes in the Town Code were being made for consistency and for updating outdated policies.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Geist, that the Public Hearing be closed at 7:49 p.m.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Rebecca A. Kittredge was absent.

Councilman Weaver moved, seconded by Councilman Geist, adoption of a Local Law 18 of the year 2008 to amend Chapter 46 entitled Sexual Harassment Policy and Chapter 169 entitled Smoking Policy of the Code of the Town of North Castle.

The Local Law follows:

Local Law No. 18 For the Year 2008
(Adopted 11/5/08)

A Local Law to amend Chapter 46 entitled Sexual Harassment Policy and Chapter 169 entitled Smoking Policy of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Chapter 46 Paragraph 46-4 Complaint Procedure A. is hereby amended to read as follows:

§46-4. Complaint procedure.

A. Step One.

- (1) An individual (complainant) who believes that the Town of North Castle's sexual harassment policy has been violated is strongly encouraged to file a complaint with his/her department head or any other managerial employee. If a verbal report is made, it should be followed by a written report to the Supervisor or Town Clerk within five days. (Form A).

- (2) All complaints should be filed by the complainant as promptly as possible after the complainant has concluded that the policy has been violated.

2. Chapter 169 entitled Smoking Policy is hereby amended in its entirety to read as follows:

§169-1. Restrictions.

§169-2. Employee concerns or complaints.

§169-3. Posting of policy.

§169-4. Penalties for offenses.

§169-1. Restrictions

- A. Smoking is prohibited in all indoor places of employment of town employees under the jurisdiction and control of the Town of North Castle.
- B. No person shall carry a lighted cigarette, cigar or pipe or other smoking material in any indoor hallway, passage or other common area while walking through such area.
- C. Smoking shall be prohibited in town vehicles.

§169-2. Employee concerns or complaints.

Employees are encouraged to present any concerns to their department head and may register a complaint with the county enforcement officer.

§169-3. Posting of policy.

A copy of this policy shall be posted upon the town bulletin board and in each separate building in which town employees work.

§169-4. Penalties for offenses.

Employees found smoking in areas where smoking is prohibited will be considered in violation of this policy and may be subject to the penalty prescribed by the State Commissioner of Health.

3. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: November 18, 2008