

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
December 17, 2008

Supervisor Berman called the meeting to order at 7:30 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge Gerald K. Geist William R. Weaver Michael J. Schiliro
Deputy Town Clerk	Barbara Pesquera
Town Counsel	Roland A. Baroni

Town Clerk Ann Leber was absent.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the minutes of the December 2, 2008 regular meeting, the December 8, 2008 work session and special meeting.

The roll call vote was as follows:

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

Noes: None.

The minutes of the Public Hearings which commenced at 7:35 p.m. follow at the end of these minutes.

Supervisor Berman made the following general announcements:

- The sale of the bowling alley property to the NYCDEP was finalized today.
- A widespread Con Edison Power outage occurred in Armonk today at about 9:30 this morning as a result of two transformers on Cox Avenue exploding and taking down power lines. The outage was resolved by about 1:00 this afternoon.

Supervisor Berman made the following statement with regard to the 2009 Town and Special Districts budgets:

“These are difficult economic times. Thank you for input; you spoke and we listened. We are sensitive to the many residents, old and young, who have lost their jobs, have reduced incomes, whose savings have diminished, who are anxious about the future. In more recent weeks as the economic picture worsened, it became increasingly pressing for us to find greater reductions.

In terms of the budget process, we held a Public Hearing on December 2nd and closed the Hearing after all spoke. Because of the concerns expressed at that meeting, we received written comments to the Town Board until Dec. 12th. We conducted two public work sessions on the budget and considered all comments from the public. Tonight is the Town Board’s turn to speak and to adopt the final budget. I will describe the steps taken to reduce budget, the rest of the Town Board will speak, and we will take a vote on the proposed final budget. We will take comments from the public during the public comment period at the end of the meeting.

It’s important to understand the budget process deadlines as prescribed by State Law: By October 30th we filed a tentative budget with the Town Clerk. This tentative budget was received at the regular Town Board meeting on November 5th and made available to the public on November 7th. We are required to prepare a preliminary budget by December 10th. Ours was presented on December 2nd. By December 20th we are required to adopt a final budget. If one is not adopted the process reverts back to the tentative budget.

The names of budget are relevant: **tentative, preliminary, final**. It implies continuous work. Our tentative was 9.6%, our preliminary was at 7.99%.

Tonight, we are proposing a final budget with a tax increase of 4.5%. This represents a reduction of \$881,770 from our tentative budget. We have also reduced our mortgage recording tax projections by \$133,200 to \$866,800.

I would like to tell you how we reduced expenses. First, in May, 2008, we could see that our mortgage tax was dramatically lower, and therefore, we took the following steps:

- Initiated a hiring freeze
- Reduced all department budgets by 10%
- Eliminated seminars and conferences except for required courses for certification and promotion
- Eliminated a total of 3 positions, 4 half time and 1 full time
- An additional ½ time clerical position in my office was eliminated in 2008.

These actions resulted in a savings of over \$300,000 to partially compensate for the losses in projected revenues for 2008.

In preparing for this final budget we have secured further reductions from each of our departments totaling \$572,770. We have eliminated 4 ½ more positions and reduced hours for some staff in order to avoid eliminating additional positions. The 8 positions that have been eliminated since May affect almost all Town departments. In the Building, Planning, Recreation, Assessor, Town Clerk, and Finance offices we eliminated some half time positions, reduced two full time positions to half time, and reduced hours for several positions in one department. Additionally, we have eliminated one position in the Highway Department and one in the Police Department. The savings from staff reductions is \$309,000.

With these 8 staff reductions since mid 2008, we have fewer staff than we have had since 2002. We anticipate two or more retirements in the next few months; but the anticipated savings are not included in these staffing and budget numbers.

As a result of these reductions, our expenses are \$294,000 below 2008 expenses in spite of significantly increased costs for services and supplies. However, we lost over \$600,000 in revenue in 2008, and our 2009 revenue is projected to be \$900,000 lower than in 2008. The point I am making is that we have reduced expenses considerably and we also have considerable reductions in revenue.

The town tax increase of 4.5% over 2008 represents a \$5.99 tax increase per \$1,000 of assessed home value. The average assessed value of a \$1,200,000 market value home is \$23,800 which will translate to a \$142.51 increase in Town taxes. In other words, the Town taxes on an average priced home in 2009 will be \$3,310.29 versus \$3,167.78 paid in 2008 Town taxes.

It is important to remember that the Town tax represents approximately 15.5% of your total tax bill, the County tax is 16.7%, and the remaining 67.8% is the School Tax.

We are well aware that due to economic conditions beyond our control, our projected revenues in mortgage recording tax, sales tax and interest may fall short. We will keep close tabs on these revenues, and if after the first quarter of 2009, the numbers come in lower than projected; we are prepared to plan for a shortfall. In the worst case scenario, whereby mortgage recording tax continues to drop, interest rates remain low and sales tax declines; we could see a shortfall of up to \$1,200,000.

Additionally, there are areas that need close examination over the next several months:

- Benefits
- The number of vehicles that are taken home
- Study and analysis of the possibility and cost effectiveness of contracting for certain services
- Future reductions in staff

The Town Board is committed to evaluating these issues in a careful way. Though it was suggested that we reduce salaries and benefits across the board, we cannot do this quickly. We

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have signed contracts with two unions that will take time to work through. We also have two unions with whom we are negotiating; and these negotiations will reflect the difficult times we are in.

In closing I would like to say that the Town Board and I have listened to the public and evaluated carefully what we could eliminate to produce a reasonable budget. We have worked closely together and feel we have a good budget here and acknowledge there is more work to be done in 2009.”

With regard to the 2009 Town and Special District budgets, Board members made the following comments.

Councilman Weaver said that the Board has reduced overall expenses significantly, and the budget has been reduced by close to \$300,000. He stated he believes that the budget is careful and responsible towards future revenue and reiterated that additional cost cutting would be considered going forward.

Councilman Kittredge stated that incorrect information has been circulated regarding the number of police officers. She said that there are 38 police officers in North Castle, protecting North White Plains, Armonk and the Eastern District of Town, a total of 26 square miles. She noted that surrounding communities have higher numbers of police officers, including Harrison (74) New Castle (42), Bedford (43) and Mt Pleasant (47). Commenting that we have a special community with three volunteer Fire Departments, Ms. Kittredge said that the Town has 15 employees that respond to fire and ambulance calls. She added that these volunteers help to prevent the need for paid fire departments.

Councilman Schiliro applauded the public for becoming involved in the budget process. He stated that some inaccurate information had been circulated which created the perception that the budget represented a 10% spending increase. Instead, he said, the preliminary budget showed a 1.4% spending increase and now the revised budget has been reduced to a level that is 1% lower than the last three years. He noted that the Town Board worked hard based on public comments and is very concerned about long term sustainability. Mr. Schiliro called for further analysis to explore options to reduce costs over the next few years. He noted that a recent outside insurance analysis demonstrated that the Town has a good health insurance plan, but he said that costs may be improved through changes to contributions, deductibles, and possibly adding additional tiers for different types of coverage.

Michael Fareri, Round Hill Road, called for a zero percent tax increase. He criticized the number of people employed within the Police Department and the high percentage that salaries and benefits represent of the total budget.

Sheila Tyler, Civil Service Labor Relations Specialist, stated that contract negotiations for all three unions are a very difficult process and implored people not to turn on each other in this time of need. She stated that CSEA members pay 20% of health insurance premiums.

Frank Benish, Sterling Road North, criticized the budget and suggested that future budgets and salary increases be subject to voter referendum. Mr. Benish also suggested outsourcing Highway services and dramatically reducing the scope of the Planning Board.

John Cronin, Bedford Road, commented that the budget discussion should take place much earlier in the year. He called for a serious analysis of each department with a manpower study to justify expenses.

Linda Trummer Napolitano, Agnew Farm Road, complimented the Town Board’s efforts in keeping costs under control.

Police Chief Robert D’Angelo and PBA President Joe Horesky expressed disappointment over the proposed reduction of one police officer. Citing a 1996 study which found that the Police Department was understaffed, they said that the size of the department has remained steady despite increases in population.

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Ed Lobermann stated that the budget is still unacceptable and criticized legacy benefits and the practice of providing full health benefits to part time employees, particularly Town Board members.

North White Plains resident and Sewer & Water Superintendent Tony Futia, said that he was in favor of appointing a Town Manager and suggested that the Town should have only two unions: the PBA and everyone else.

Patricia Fontanella, Old Orchard Street resident and member of the Library Board of Trustees, praised the resources available at the North Castle Library, such as career counseling, resume writing and health care research, all of which provide support for the community during tough economic times.

Betty Sanchirico, Nethermont Avenue, suggested that the cost structure for pension plans and other benefits must be analyzed and reduced, as private industry has done. She said that she is against firing people, but emphasized that sustainability requires that costs be passed on to all employees.

Allen Abt, Rustling Lane, stated that costs must be re-analyzed and every line item scrutinized, as he said that everything is negotiable. He added that he is against firing people but costs in every department must be reduced.

Neil Singer, resident and Whippoorwill Association President, said he supports the sale of the bowling alley property to NYCDEP as a means of preserving open space and voiced his opposition to building as a way out of the Town's budget crisis.

Kerry Lutz, Birdsall Farm Drive, criticized the Town's management but praised the Town workers, particularly in the Highway, Police and Fire Departments. He proposed pay cuts and reduction of benefits instead of lay offs.

Christopher Carthy, Sarles Street resident and owner of Pools of Perfection, said that a cost benefit analysis was needed to determine if professional contracted services could substantially lower costs and reduce in-house staff. He added that the Planning Board approval process is onerous and inhibits construction.

Ira Lederman, Carey Drive, expressed his hope that the Town Board will continue to deliberate and make further reductions to the budget as each and every line item is of importance. He added that he is in favor of a professional Town Manager.

Joseph Rende, Smith Farm Road, echoed the call for thorough evaluation of each item in the budget. He stated that he believes that benefits for part time officials should be eliminated.

Lisa Dorfman, Quarry Heights resident, expressed her gratitude for services provided by the Police and Highway Departments. She applauded the Town Board for taking on the challenge of the sewer construction in her neighborhood.

Barbara DiGiacinto, Stony Brook Place, said that as a life long resident and both a residential and commercial property tax payer, she commended the Town Board for making a valiant attempt to reduce spending while maintaining Town services and the general quality of life we all enjoy. Stating that every single community is faced with the same budget issues, she suggested that we should all be working to find solutions. She said that this is not the time for a self serving malcontent to take center stage and make, at times, totally false accusations under the guise of wanting to do what is best for the Town. She cautioned residents from being influenced by posturing and mudslinging against the Town Board and Planning Board. Ms. DiGiacinto expressed her appreciation for the many Town employees who are helpful, accessible and dedicated.

John Tartaglia, Hemlock Hollow, stated that much more has to be done to reduce the budget. He suggested that the unions should give concessions and save jobs.

Asad Jilani, Bedford Road, said he believed that this was a responsible budget in the face of drastically reduced revenue.

Neal Baumann, Glendale Avenue, commended the Supervisor and Town Board for cost cutting efforts in the face of declining revenues. He said that demanding lay offs of employees and drastic budget cuts is unreasonable. Rather, he said that implementing budget cuts will take time, and he urged the public to refrain from attacking the Supervisor and the Town Board.

Mitchell Roslin, Cole Drive, voiced his opinion that public service should be a volunteer position and criticized that salaries and benefits account for 60% of the budget.

Alex Bohm, Hunter Drive, applauded the democratic process demonstrated by the public comments, but stated that he doesn't believe that an average tax increase of \$150 is outrageous. He said that he thinks that the Town Board is doing a great job and should be left to pass the budget and consider the public comments in the future.

Donald Flaks, Hickory Kingdom Road, said that Town Board members should be volunteers.

John Naclerio, Evergreen Row, said that the budget should begin at a zero percent increase and reductions made, following the same pattern as examples he cited within private companies.

Lydia Rippstein, School Street, said that costs cannot expand considering the current economic situation.

Robert Romano, Palmer Place, commended the Town Board for putting forward a fair budget which is sensitive to the community's needs during this dark economic period with no easy solutions.

Orna Nahor, Woodland Road, said the community needs to do more in order to reduce costs and taxes, such as picking up their own leaves.

Sean Ryan, Bayberry Road, echoed the sentiment that everyone needs to do more to try to solve problems.

Mike Bruno, Whippoorwill Road, said that many residents have lost jobs and others are making less money; therefore everyone must tighten belts and the Town Board needs to fix the budget problems for the long term.

Councilman Geist moved, seconded by Councilman Weaver, adoption of the 2009 Town and Special District budgets.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the following resolution:

Resolution No. 1

It is hereby resolved that the following positions in the Town's service shall be abolished effective on the dates indicated next to the positions:

In the Assessor's Office

1 Real Property Appraiser (part time) Date: 1/16/09

In the Town Clerk's Office

1 Intermediate Typist (part time) Date: 1/16/09

In the Planning Department

1 Intermediate Typist (part time) Date: 1/16/09

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In the Police Department

1 Police Officer

Date: 1/16/09

In the Highway Department

1 Laborer

Date: 1/16/09

Hon. Reese Berman	voting Aye
Rebecca A. Kittredge	voting Aye
Gerald K. Geist	voting Aye
William R. Weaver	voting Aye
Michael J. Schiliro	voting Aye

Councilman Geist moved, seconded by Councilman Kittredge, the following resolution:

Resolution No. 2

It is hereby resolved that the regularly scheduled hours of the following positions in the Town's service shall be reduced as stated, effective on the dates indicated, and subject to such further changes as the needs of the Town may dictate from time to time:

In the Recreation Department:

1 Intermediate Clerk position from 17 hours per week to 14 hours per week, effective 1/1/09.

1 Bus Driver position from 20 hours per week to 15 hours per week, effective 1/1/09.

1 Senior Recreation Leader-Senior Citizens position from 28 hours per week to 17 hours per week, effective 1/1/09.

In the Finance Department

1 Office Assistant - Financial Support (full time) to 17 hours per week, effective 2/28/09.

In the Building Department

1 Intermediate Typist (full time) to 17 hours per week, effective 1/31/09.

Hon. Reese Berman	voting Aye
Rebecca A. Kittredge	voting Aye
Gerald K. Geist	voting Aye
William R. Weaver	voting Aye
Michael J. Schiliro	voting Aye

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, receipt of a letter from Zoning Board of Appeals Chairman Robert Schmidt regarding deer fencing; referral of the matter to the Planning Board for study and report; and scheduling of a public hearing for January 28, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, authorization for Comptroller Donovan to make payment to Dolph Rotfeld Engineering, P.C., for Sewer District No. 1 (Quarry

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Heights) construction administration and inspection, for week ending September 13, 2008 through week ending November 15, 2008, in the amount of \$61,534.65. Supervisor Berman commented that the project is coming in under budget.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from Verizon Communications Inc. regarding an increase in monthly rates for certain FIOS TV services in 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a letter from Chief D'Angelo, with a positive recommendation in connection with renaming sections of Hillandale Avenue and Byram Ridge Road. The Town Clerk's office was directed to notify residents that this matter will be discussed at the January 14, 2009 town board meeting, which they are welcome to attend.

The roll call vote was as follows:

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

Noes: None.

A memo from Kellard Sessions, P.C., recommending acceptance of the dedication of Dellwood Farm Way and Hammond Ridge Road was tabled pending review of the title report by Town Attorney Baroni.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the request of the Contemporary Theatre Arts Workshop Inc. to place a sign at the eagle to publicize its production of Disney Review/Little Shop of Horrors scheduled for January 22 – February 8, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a copy of a letter to the New York State Department of Environmental Conservation from Superintendent Futia requesting that the requirement for a Quantification and Removals Study listed in the Town's SPDES permit be removed. This request was based upon the Town's sampling results and a recommendation from Cheryle Webber, NYSDEC, BWP.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a letter from Director of Planning Kaufman regarding the discrepancy in the Town Code as to how gross land coverage and gross floor area permits are issued by the Planning Board and further moved the scheduling of a public hearing for January 28, 2009.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of General Foreman Useted, Councilman Kittredge moved, seconded by Councilman Weaver, authorization to issue a permit to Kleen Sweep Container Services, Inc. for a license to collect and dispose of refuse.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Weaver, authorization for Comptroller Donovan to make Payment No. 16 to Stratis Contracting Corporation for the wastewater treatment plant upgrade project in the amount of \$20,000.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Weaver, authorization for Comptroller Donovan to make Payment No. 9 (Final) to Natgun Corporation for Windmill Farms Water Storage Tank project in the amount of \$3,835.18.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make Progress Payment No. 3 to Joken Development Corp. for the Quarry Heights low pressure sewer system in the amount of \$226,011.79.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, approval of the request from Comptroller Donovan to process budget transfers prior to Town Board approval during year-end processing. The official transfer request forms will be given to the Town Board for approval at the January 14, 2009 and January 28, 2009 meetings.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Schiliro, receipt of Orders from New York State Public Service Commission approving the renewal of Cablevision of Southern Westchester, Inc. and Cablevision Systems Westchester Corporation franchises.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from New York State Environmental Facilities Corporation regarding approval of the plans and specifications contract documents for the wastewater treatment plant nitrogen removal upgrade project.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of General Foreman Useted for the release of highway bonds to Verizon for the following street openings: Permits 550 551, 552, 601, 602, 603, 604, 605, 607, 608, 609, 610, 611, 612, 613, 616, 617, 618, 619, 642, 643, 645, in the total amount of \$49,198.00; and to Peter & Beth Post, Permit #685, in the amount of \$500.00.

The roll call vote was as follows:

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

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Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from County Executive Andrew Spano asking the Town to join with the County in applying for a New York State Local Government Efficiency grant for funding a shared service opportunity to help municipalities and the County to generate savings and reduce the impact of operations on the environment.

The roll call vote was as follows:

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

Noes: None.

Upon the request of Superintendent Barnard, Councilman Geist moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make payment to DeRosa Tennis Inc. for base contract items as part of the Lombardi Park road and parking lot improvement project in the amount of \$53,722.50.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of the results of canvass of ballots cast at the annual election of Fire District No. 1, North White Plains: Michael Franzese was elected Fire District Commissioner for a five year term commencing January 1, 2009 and ending December 31, 2013.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of the results of canvass of ballots cast at the annual election of Fire District No. 2, Armonk: Ronald Macellaro was elected Fire District Commissioner for a five year term commencing January 1, 2009 and ending December 31, 2013; and Kathleen Petre was elected Treasurer for a three year term commencing January 1, 2009 and ending December 31, 2011.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a special use permit application from St. Christopher's Inc. to install two temporary modular classrooms at the Jennie Clarkson site; referral of the matter to the Planning Board for study and report; and scheduling of a public hearing for January 14, 2009.

The roll call vote was as follows:

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

Noes: None.

Pursuant to a letter from Tax Receiver Colombo regarding an Order and Judgment for Mary Lou Cassone, 202 Regent Street, Port Chester, New York 10573, owner of property located at 22 Cowdray Park Drive, Armonk, New York (Section 1, Block 11, Lot 11.-2), Councilman Kittredge moved, seconded by Councilman Weaver, authorization for Comptroller Donovan to issue a refund totaling \$5,728.82.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist abstained.

Councilman Kittredge moved, seconded by Councilman Weaver receipt of a second mortgage tax update for 2009 from Comptroller Donovan. Supervisor Berman commented that the projection of \$31,000 for November 2008 is the lowest the Town has had for long time.

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The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to make the budget transfers that follow at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a Workers Compensation Report for Sauro DiVitto, Highway Department.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign an agreement between New York State Emergency Management Office and Towns of North Castle, Lewisboro and Bedford for Multi-jurisdictional Multi-Hazard Mitigation Planning Grant. Director of Planning Kaufman stated that seventy five percent of the grant is from federal funding. Supervisor Berman explained that, by creating a hazard mitigation plan, North Castle would be eligible for additional funding.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign a license and support agreement with Dialogic Communications Corporation for a Reverse 911 System.

The roll call vote was as follows:

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

Noes: None.

Authorization for the Supervisor to sign an agreement with Verde Electric Maintenance Corp. for traffic signal maintenance at Maple Avenue and Bedford Road in Armonk for year 2009 was tabled due to proposed increases to the 2008 base contract, hourly, and van service rates.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign contracts with Westchester County regarding grants from the New York State Affordable Housing Corporation and United States Department of Housing and Urban Development for the Quarry Heights sewer system project.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, the probationary appointment of Dawn Donovan to the position of Town Comptroller, 35 hours per week, at the budgeted salary, effective immediately.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the request of Diane Kopenhaver, Planning Department, to carry over 11 hours of vacation from 2008.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, receipt of an e-mail from Susan Gerry, Senior Assistant to the County Executive, regarding an update on the status of the County's septic system database project.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, receipt of a memo from Barbara Minnitte, Police Department, requesting that the current false alarm fine schedule be reviewed and an increase in charges be considered; and the scheduling of a public hearing for January 14, 2009.

The roll call vote was as follows:

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

Resident Sue Shimer asked for clarification regarding the issuance of a license to Kleen Sweep and Supervisor Berman explained that all private refuse collectors are required to obtain a license. Regarding Ms. Shimer's question about the refund payment to Mary Lou Cassone, Town Attorney Baroni explained that it was a consent judgment. In response to an inquiry if there would be an increase associated with the appointment of Dawn Donovan to the position of Town Comptroller, Supervisor Berman clarified that there would be no increase.

The roll call vote was as follows:

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

The Town Board audited and approved payments totaling \$1,502,825.49 as indicated on Warrant #23.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:50 p.m. in memory of Cris Ansnes' Mother Josy Albrecht, Frank Corda, Alfred Tarlow and Andrew Viviano.

Ann Leber, Town Clerk

January 12, 2009

PUBLIC HEARING

December 17, 2008

At 7:40 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 December 17, 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 Section 213-67 of the Town of North Castle Town Code to increase fees for special use permit and zone text amendment applications.

By Order of the North Castle Town Board
Ann Leber, Town Clerk

Dated: December 6, 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.

An e-mail from Town Clerk Leber requesting the increase in fees to cover increased costs was marked as Exhibit "D" for the record. Supervisor Berman commented that the fees have not been increased for over twenty years.

Alan Abt, Rustling Lane, asked what the costs were for each line item associated with these applications. Deputy Town Clerk Pesquera responded that costs included the publication of legal notices in the Journal News, mailings to various agencies, and administrative work. Mr. Abt asked if the Journal News had been contacted to negotiate the cost of the legal ads and said that all costs are negotiable. Ms. Pesquera said that the publication of the legal notices is required by law.

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 Weaver, that the Public Hearing be closed at 7:45 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the adoption of Local Law 21 of the year 2008, for the purpose of considering amending Section 213-67 of the Town of North Castle Town Code to increase fees for special use permit and zone text amendment applications.

The roll call vote was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

Local Law No. 21 For the Year 2008
(Adopted December 17, 2008)

A Local Law to amend Chapter 213 entitled Zoning of the Town of North Castle.

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

1. Section 213-67A.(1) and A.(2) entitled Fees are hereby amended to read as follows:

- (1) Each application or petition requesting any amendment, supplement, change, modification or repeal of the zoning regulations or district boundaries, submitted in accordance with Article XII of this chapter: \$200.
- (2) Each application for a special permit, in accordance with Sections 213-26 through 213-32 of this chapter: \$200. plus \$5 for each required off-street parking space. Where an expansion is proposed for an existing building, the fee required would be \$200. plus \$5 for each new required parking space.

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

Ann Leber, Town Clerk

Dated: January 6, 2009

PUBLIC HEARING

December 17, 2008

At 7:45 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing, which is attached to the end of these minutes, to consider the petition, map, plan and report to extend Water District No. 7 to include the 170 Bedford Road property in the Town of North Castle.

By Order of the North Castle Town Board
Ann Leber, Town Clerk

Dated: December 2, 2008

The Petition in the Matter of the Extension of Water District No. 7 in the Town of North Castle, Westchester County, New York, pursuant to Article 12 of the Town Law, was marked Exhibit "A" for the record.

The Order calling the Public Hearing was marked Exhibit "B" for the record.

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

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

A memo from Kellard Sessions Consulting, P.C. and a memo from Superintendent Futia were marked Exhibit "E" for the record.

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 Geist, that the Public Hearing be closed at 7:48 p.m.

Town Board Minutes
December 17, 2008

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, the adoption of the Resolution attached at the end of these minutes to extend the boundaries of Water District No. 7 to include all the properties listed as Exhibit "A" of the Resolution.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: January 6, 2009

PH Ext. W.D.#4 170 Bedford Rd.doc

NOW, on motion of Councilman Kittredge, seconded by Councilman Geist, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a public hearing at the North Castle Town Hall, 15 Bedford Road in said Town on the 17th day of December, 2008, at 7:30 p.m. in that day to consider said petition, map and report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to vote, and on a roll call the vote was as follows:

Hon. Reese Berman	voting Aye
Rebecca Kittredge	voting Aye
William R. Weaver	voting Aye
Gerald K. Geist	voting Aye
Michael Schiliro	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
December 2, 2008

EXHIBIT A

- I. 170 Bedford Road LLC
Section 2
Block 13
Lots 27

At a meeting of the Town Board of the
Town of North Castle at H.C.C. Middle
School located at 10 MacDonald Avenue,
Armonk, Westchester County, New York on
the 17th day of December, 2008, at 7:30 p.m.

RESOLUTION TO EXTEND WATER DISTRICT NO. 7

WHEREAS, a Petition, Map and Plan have been prepared by 170 Bedford Road, LLC dated September 24, 2008, for the extension of Water District No. 7 of the Town of North Castle, New York, was duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on December 2, 2008, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying December 17, 2008, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, subsequent to the publication and posting of said Order, the venue for the 12/17/08 meeting of the Town Board was changed from Town Hall to H.C.C. Middle School and appropriate and reasonable steps have been taken to inform the public of this change in venue; and

WHEREAS, a hearing in the matter was duly held by the Board on the 17th day of December, 2008, commencing at 7:30 p.m. o'clock at the H.C.C. Middle School in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman Kittredge, seconded by Councilman Geist, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Water District No. 7 as proposed in said petition be approved; that such extension be designated as Water District No. 7 Extension-Area "170 Old Bedford Road Water Extension"; that the improvements to be constructed by applicant therein mentioned be constructed at the sole cost and expense of the applicant, and such extension be bounded and described as set forth in **Schedule A** attached hereto; said property also being known and designated as Section 2, Block 13, Lot 27 on the tax assessment map of the Town of North Castle; and it is further

RESOLVED, that in addition to the proposed improvements to be constructed by the applicant, legal and engineering costs and the costs of an as-built survey shall be paid by the applicant; and it is further

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof and publish and post the within resolution together with a Notice of Permissive Referendum as required by law.

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF NORTH CASTLE

I, ANN LEBER, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 17th day of December, 2008.

Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 17th day of December in the year 2008 before me, the undersigned personally appeared ANN LEBER, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

- I. Section 2
Block 13
Lot 27