

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

on
April 7, 2009

At 5:30 p.m. Supervisor Berman called the meeting to order and the following persons were present:

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

The meeting was immediately adjourned into Executive Session, which was then closed at 7:25 p.m.

Supervisor Berman reconvened the regular meeting at 7:35 p.m.

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the minutes of the March 9, 2009 Special Meeting, the March 25, 2009 Regular Meeting and the March 31, 2009 Joint Work Session with the Planning Board.

The roll call vote was as follows:

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

Noes: None.

Diane Roth, member of the Recycling Committee, announced that Zero Waste Day will take place behind Town Hall on April 25 from 9 a.m. to 2 p.m. She encouraged residents to drop off items for e-waste collection (anything with a plug); women's business attire (nearly new and cleaned), used furniture and bicycles to be reused by families in need.

Councilman Kittredge said that the annual Town-wide Clean Up will take place on April 25. Clear collection bags for recyclables and black collection bags for trash will be available on the morning of April 25th at the North White Plains Community Center, the Banksville Fire House and the lobby of Town Hall. During the week prior to Earth Day, these bags will be available at the Highway Department during their normal working hours.

Supervisor Berman made the following announcements:

- Armonk Sidewalk Sale Day will be held on May 9 from 10 a.m. to 4 p.m.
- Armonk Restaurant Week begins April 26 and runs through May 1. Go to allaboutarmonk.com for details.
- April is National Dig Safely Month. Con Edison asks that residents who plan to excavate call 811 before digging begins.
- Westchester County, in cooperation with the Westchester Climate Change Advisory Council, will hold Earth Day Celebrations on Sunday, April 19, 2009 from 10 a.m. to 4 p.m. (rain or shine) at the Kensico Dam Plaza in Valhalla.
- Westchester County is looking for volunteers for its *Pitch in for Parks* program on April 19 from 9 a.m. to 3 p.m. Call 864-7054.
- Westchester County is also looking for volunteers to develop a baseline of water quality data. Anyone interested may call 995-6535 or e-mail sad@westchestercounty.com.
- Between April and July, 2009, U.S. Census employees will be visiting every housing unit in the community to capture physical addresses and their GPS coordinates. The actual census will take place in 2010.

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Councilman Kittredge moved, seconded by Councilman Schiliro, the appointment of Sheila Drapeau to the Road Naming Committee, effective immediately and to serve at the pleasure of the Town Board.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman opened discussion of a farmers market, as proposed by Carol DeLisa at a previous meeting, behind Town Hall on 23 Saturdays during the spring, summer and fall. In response to questions posed at the last meeting, Ms. DeLisa spoke of the products that would be offered at the market; the expenses incurred and the projected revenues of the market; and the authenticity of the local farmers represented at the market and their products. Director of Planning Adam Kaufman addressed issues regarding parking and the location of the market.

Several residents and Armonk merchants expressed their reservations about the market based on such issues as:

The market will compete with existing businesses which are already struggling in a challenging economic climate.

The market will take the “cream” of the Saturday sales.

Farmers have an advantage over the merchants who have to pay taxes, buy insurance, etc.

Will the market be adequately monitored?

The dollars spent at the market will be taken out of town.

It was suggested that Main Street shop owners start to carry and promote products people seek out at farmers markets, Whole Foods or Mrs. Greens; that residents start Victory Gardens; that the farmers market set aside a percentage of its space for local merchants to be represented.

Ms. DeLisa said that, in going door-to-door, she found overwhelming support for the market, and has 54 signatures on a petition in support of the market idea.

Town Clerk Leber said 59 e-mails had been received in favor of the market and six against. She and Deputy Town Clerk Barbara Pesquera, upon the request of writers, read aloud many of the e-mails.

Following are excerpts from a statement read by Supervisor Berman:

“I support trying a Farmers Market for this season for the following reasons:

- It will bring residents together and contribute to a neighborly feeling, thus enhancing community spirit. It will be fun and colorful.
- It brings fresh produce very close to home. Remember the many choices of apples and piles of corn that we used to get at Schultz’s. You will have those choices again at a farmers market.
- It supports local farmers and preserves a way of life that is essential to encourage. We want to keep agriculture alive in New York State.
- It will bring action to downtown and will help – not hinder – local business because shoppers will visit our stores and eat in our restaurants.
- And while some of the local businesses are opposed, other business owners have told me they are supportive because it would provide opportunities to attract new customers.
- The Town Administrator of Pleasantville recently told me that their market is “wildly popular,” that on the average 1000 people shop there each Saturday, and that though there was initially opposition from some of the local businesses, there is virtually none now.

“Residents of North Castle and nearby areas shop at farmers markets and will continue to shop at farmers markets. That is a fact of life that we can neither change nor ignore. In the absence of our own farmers market, they will shop in Pleasantville on Saturdays from late May to mid-December, or in White Plains or Greenwich or in one of the other nearby shopping destinations with a farmers market. We must consider what that means for our local businesses.

“Pleasantville, for example, has positioned its farmers market to make it convenient and appealing for out-of-towners like North Castle residents to patronize its merchants. Almost every kind of commercial business we have here is easily accessible to visitors to the Pleasantville

farmers market. Nearby streets are homes to a florist, fruit store, meat store, gourmet food store, photo store, framing shop, optician, jewelers, wine and liquor stores, delis, diners, pizzerias, restaurants, coffee shops, bakeries, ice cream parlors, gift shops, stationary stores, and more.

“Farmers market shoppers are also encouraged to stay longer and to spend money in Pleasantville because Pleasantville offers attractions that are not available in North Castle, for example, the 12 noon kids and family movies around the corner at the Burns and the book shop and pet store one street over on Washington Avenue.”

“These and numerous other examples based on actual experience and facts, rather than on speculation and unsubstantiated fears, tell us very clearly that Pleasantville and other nearby locales with farmers markets will draw more and more business away from North Castle and will attract more and more North Castle dollars, unless we offer our residents and neighbors a similar service.

“Tonight’s proposal for a Saturday morning farmers market just down the street from Main Street’s shops and eateries will help to put our own businesses on a competitive footing with their counterparts in neighboring communities and to promote the vitality of downtown. Accordingly, I will vote to approve the proposal.”

Citing the difference between having an established market and starting a new one during bad economic times, Councilman Weaver said he would not support the proposal. He agreed with the comment that merchants and the Chamber of Commerce should do more to attract business and promote community spirit.

Councilman Kittredge said she will support her local business people and would not vote for the farmers market at this time.

Despite hearing enthusiastic support for the market from all but one of the residents and shop owners he polled, Councilman Schiliro said this is a difficult time for small business owners and, for that reason, he can’t vote in favor of the market in Armonk in this economic climate.

Councilman Geist urged the residents and his fellow board members not to be afraid of change and to be willing to try something new. He would like to see a farmers market in town, feeling it would help struggling Main Street merchants.

Councilman Geist moved, seconded by Supervisor Berman, approval for a farmers market to be established in Armonk.

The roll call vote was as follows:

Ayes: Councilman Geist, Supervisor Berman

Noes: Councilman Kittredge, Weaver, Schiliro

Supervisor Berman commented that the Town lost a tremendous opportunity and it was unfortunate.

Diane Chickering of Suburban Carting reported on the effort to enforce the recycling law. After tracking the program for six weeks and handing out warning letters, she found that today she only had to hand out one letter because so many people on the route were in compliance. Councilman Kittredge mentioned that detailed information on recycling would be given out at the North White Plains homeowners meeting on May 4.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a memorandum from Kellard Sessions Consulting, P.C., with regard to NYC Department of Environmental Protection remediation project on Kaysal Court, which requires wetland, floodplain and tree removal permits. The memo posed questions with regard to design alternatives, public access, transportation impacts and plantings.

The roll call vote was as follows:

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

Noes: None.

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Representatives of the DEP and its consultant Hazan and Sawyer explained that, as a result of previous discussions with the Town Board, the proposed disturbance to the site has been reduced. They discounted Conservation Board Chairman John Fava's idea of eliminating the need for 1,800 truck trips to dispose of fill by dumping the material on the DEP-owned former bowling alley property. The applicants suggested that the soil may contain some contaminants, although well below dangerous levels.

Supervisor Berman said the questions posed in the Kellard memo must be satisfactorily addressed in writing before the Town Board would consider scheduling a public hearing.

Councilman Kittredge moved, seconded by Councilman Weaver, receipt of a letter from the Westchester County Planning Board with regard to the special use permit application to construct a 6,756 square foot maintenance garage at 7 Round House Road (Lowrey).

The roll call vote was as follows:

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

Noes: None.

Pursuant to a letter from Charles Pound on behalf of the Byram Ridge Lake Property Owners' Association, discussion took place regarding traffic control and safety concerns at the intersection of Greenway Road and High Street. Supervisor Berman took the following actions:

- Asked Supt. of DPW Richard Fon to explore the ownership of the strip of land on High Street where trucks park and block sightlines.
- Asked Lt. Peter Simonsen to deploy the SMART machine again to update traffic counts during commuting hours.
- Asked that both Mr. Fon and Lt. Simonsen report back to the Town Board.

A status report on the activities of the North Castle Citizen Corps Council was received on the duly adopted motion of Councilman Geist.

Approval of a resolution authorizing the sale of a Town-owned parcel on George Smith Place (Section 2, Block 1, Lot 11A13) to the NYCDEP was tabled pending further discussion with the DEP.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for Comptroller Dawn Donovan to make payment to Littler Mendelson, P.C. for February 2009 invoices in the amount of \$3,929.04.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the recommendations of General Foreman Useted for the award of bids as follows:

AGGREGATES :

Bank Run	Red Wing Properties
Washed, State Approved Stone	No Bids
Trapped Rock	Thalle Industries
Shoulder Material	Tilcon
Screened Top Soil	Red Wing Properties
SNOW PLOW AND GRADER BLADES	Chemung Supply Corp.
TRUCK SKID CHAIN	Chemung Supply Corp.
LIQUID CALCIUM CHLORIDE	James Reed Sales
GUIDERAIL	Chemung Supply Corp.
PAVEMENT MARKINGS	Seneca Pavement Marking, Inc.

Permission was given to re-bid for asphalt, and washed, State approved stone.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the recommendation of General Foreman Useted for the award of bids as follows:

PRECAST CONCRETE STRUCTURES (Catch Basins):

30" x 48" CATCH BASIN STRUCTURE WITH FOUR KNOCKOUTS	M & M Precast
FRAMES AND GRATES	Chemung Supply Corp.
ALTERNATE FRAMES AND GRATES	No Bid
IDI 30" x 30" DRAIN INLET WITH FOUR KNOCKOUTS	Chemung Supply Corp.
FRAMES AND GRATES	Chemung Supply Corp.
ALTERNATE FRAMES AND GRATES	No Bid

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the requests to place signs under the eagle from Byram Hills School District to announce the school budget vote on May 19, and from the Armonk Baseball League to promote the Memorial Day Classic scheduled for May 23.

The roll call vote was as follows:

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

Noes: None.

In response to a letter from Dolph Rotfeld Engineering, P.C., in connection with the Quarry Heights low pressure sewer system project, Councilman Geist moved, seconded by Councilman Schiliro, authorization to pay Requisition No. 5 in the amount of \$93,850.93 to Joken Development Corp.; and approval of Change Orders 1 and 2.

The roll call vote was as follows:

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

Noes: None.

Receipt of a letter from Peter Benzie commending the North Castle Police Department was tabled until the April 22, 2009 Town Board meeting.

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 letter from Westchester County Legislator Thomas Abinanti regarding the County's Anti-Idling Law. The fines imposed and collected as a result of enforcing the law are the property of the Town.

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 and filing of the Town Clerk's report for the month of March, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, that a Notice of Claim from Rick and Patty Wolff be received and referred to the Town Attorney.

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 Schiliro, receipt of a Worker's Compensation Report for Mary Flanagan, Recreation and Parks Department.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Schiliro, approval of a proposal from Kellard Sessions Consulting, P.C., in the amount of \$4,500 for engineering services for the filing of compliance certificates with NYS Department of Environmental Conservation under Phase II Stormwater General Permit requirements.

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 appointment of Matthew Manfredi to the Housing Board, to fill the unexpired term of Brenda Von Voorhies to expire on December 31, 2010.

The roll call vote was as follows:

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

The appointment of Jerry March to the Library Board of Trustees was postponed.

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of John Klem to the Board of Ethics, to serve at the pleasure of the Board. Mr. Klem replaces Reverend Harry Abernathy who moved out of town.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of Sheila Drapeau to the Road Naming Committee, to serve at the pleasure of the Board. Ms. Drapeau fills the seat vacated by Linda Lewis Roberts.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, acceptance, with regret, of the resignation of Margaret Gorman, Office Assistant-Financial Support, Finance Department, effective April 17, 2009.

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 \$306,747.30 as indicated on Warrant #6.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:45 p.m. in memory of former Supervisor Jack Lombardi's brother Joseph Lombardi; Wayne Moger; Bernice Weiss Groves; and Ted Zuckerman.

Ann Leber, Town Clerk

Dated: April 13, 2009

PUBLIC NOTICE

April 7, 2009

At 9:40 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 April 7, 2009 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 the Whippoorwill Stream Stabilization project for Wetland/Fill/Erosion & Sediment Control/Tree Removal/Floodplain Development application review.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: March 27, 2009
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.

Application for Permits for the Kensico Watershed Stormwater Best Management Facilities: Whippoorwill Stream Stabilization prepared by New York City Department of Environmental Protection, Bureau of Water Supply, dated January 2009, was marked Exhibit "D" for the record.

Lead Agency Declaration and Notice of Intent from New York City Department of Environmental Protection to Conduct an Environmental Review Re: Kensico Action Plan – Best Management Facilities: Whippoorwill Stream Stabilization, dated January 30, 2009 was marked Exhibit "E" for the record.

A memo from the North Castle Conservation Board dated February 27, 2009 and a letter from New York City Department of Environmental Protection dated March 5, 2009 were marked Exhibit "F" for the record.

Memos from Kellard Sessions Consulting, P.C. dated February 20, 2009 and April 3, 2009 were marked Exhibit "G" for the record.

Supervisor Berman thanked Police Chief Louis Alagno for attending the public hearing as the representative for the Town of Mt. Pleasant.

Matthew Warne, Chief of Regulatory Review and Engineering for DEP introduced the project team, which included consultants Laura Csoboth and John Robig from HDR Architecture and Engineering, P.C., and Jose Nieves, Amanda Locke, and Mike Usai from DEP.

Laura Csoboth provided the project overview to improve stormwater flows and reduce turbidity and fecal coliforms into the Kensico Reservoir, thereby improving the Reservoir's water quality. The proposed project would involve the construction of nine in-stream structures to stabilize the stream. Ms. Csoboth said that North Castle's concerns regarding transportation related impacts and visual impacts have been addressed. Transportation vehicles would not be allowed to impede traffic on Nanny Hagen Road and King Street as no deliveries of materials would be made during peak traffic times of 8 a.m. to 9 a.m. and 5 p.m. to 6 p.m. Contractors would use off site parking on DEP property. The number of trees to be removed has been reduced and would include only those trees on the 16 foot wide access road and construction staging areas. Trees, six to eight feet in height and one inch in caliper, would be planted along the work area where trees would be removed.

John Kellard of Kellard Sessions said there were three main issues that the Board should further consider: traffic impacts on Nanny Hagen Road; landscaping mitigation plan; and status of permits with other agencies. Mr. Kellard said that the DEP has said traffic concerns on Nanny Hagen Road will be addressed, but the applicant has not provided specific details on how, particularly in terms of sequencing traffic, off-site parking, flagmen, and egress and ingress to the site. With regard to landscaping, Mr. Kellard said the applicant has submitted information related to the proposed plans, but there are concerns remaining regarding the frontage along Nanny Hagen Road and King Street. One neighboring property owner has expressed concerns regarding the size of trees which would be planted. Mr. Kellard recommended that more illustrative details be provided by the applicant to determine if trees with a one inch caliper would be sufficient to mitigate impact. Regarding the pending status of the required approvals from the U.S. Army Corps of Engineers and the DEC, Mr. Kellard recommended that the Board adjourn the public hearing until the DEP receives feedback from these agencies.

Councilman Geist said that he would like all the details provided at the outset of the project. Mr. Geist had questions about the routes the trucks would be taking to get to the site, as well as concerns about fences and gates and the post construction schedule.

Supervisor Berman said that Conservation Board Chair John Fava has raised concerns about noise, especially at night due to generators, which would affect residents of both North Castle and Mt. Pleasant. Mr. Fava added that the West Lake Middle School in Mt. Pleasant sponsors a "Trout in the Classroom" program and recommended the DEP coordinate with the school regarding this program. He said he would like specifics about the types of trees to be planted, as evergreens of one inch caliper would not be as high as the tree heights being proposed by the DEP.

When Supervisor Berman asked Police Chief Alagno if he had any concerns regarding the traffic impacts from the project, he replied that he did not envision any problems since the contractors would not be traveling at peak times.

Ms. Csoboth said that the planned temporary construction access has been moved upland, and 700 to 800 feet would be located in North Castle. Ms. Csoboth stated that approximately 60 trees would be removed, but not all the trees that would be surveyed would be removed. Mr. Warne added that some trees would be identified for removal, while others would be identified for protective measures. Amanda Locke, Forrester for the DEP, said the identification process would be done before the work begins and she would oversee the process.

With regard to the planned tree removal, Councilman Geist requested that the DEP provide an updated set of plans. Councilman Weaver asked when the trees would be removed, and Mr. Warne replied it was dependent upon receiving the necessary permits. He added that the project time frame was scheduled for the beginning of April to the end September, but since all permits have not yet been issued the project may not take place until next year.

When Councilman Weaver inquired if the staging place for employee parking has been selected, Ms. Csoboth replied that it may be Shaft 18 on DEP property located near Columbus Avenue and Westlake Road in Valhalla. Chief Alagno said that there would be adequate parking there. Mr. Warne stated that no vehicles would be permitted to park on Nanny Hagen Road.

Resident Charles Pound, member of the Westchester County Flood Task Force, asked how the necessity for future maintenance of the pools will be handled to ensure that the effectiveness of the project will not be negated.

Roland Reisley, President of the Usonia Homeowners Association in Mt. Pleasant, said he is very concerned about the visual impact that would result from tree removal and asked if an eight foot, rather than sixteen foot access road, could be considered to reduce the number of trees that would need to be removed. He urged the DEP not to allow technical concerns to overwhelm aesthetic concerns. Mr. Warne said the recommendations regarding the access road and the tree caliper would be considered.

Richard Jespersen, adjacent property owner, expressed his concerns regarding the credibility of the DEP, noise, and security for the residents during construction.

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Several Usonia residents expressed their concerns about the project. Betsy Glass, resident for 60 years, asked how long the temporary access road would be a viable road and asked what would replace it when it is no longer being used. Ms. Csoboth said logs from some of the trees would be used for the roadbed. Ms. Glass stated her concerns about safety at night and the man-made materials associated with the project. Mike Pincus expressed concerns about changes to the natural channels and rock formation, tree removal, protection of coyote and trout, and noise. Ms. Csoboth said that the Norway maples and spruces would not be removed unless they are on the proposed access route or staging area, and both spawning and resident trout would be protected. She added that no rock blasting would take place on site and local rocks would be used when possible. John Robig added that the stream would be restored in its natural channel condition. Marvin Cooper asked what the public is being protected from in terms of the source of the coliform, how long it would take for the area to be restored, and if there was urgency for the project to be done. Mr. Warne said they are required to finish the project by June 30, 2010, and penalties and fines could be imposed if they do not meet required dates.

Councilman Schiliro confirmed that any blasting would require Board approval and off-site parking would be approved by local authorities. When Mr. Schiliro requested that the DEP provide information regarding the contact person for the project, Mr. Warne said the contact information would be provided as soon as the person was determined and added that there would be a multitude of oversight. In response to Councilman Weaver's inquiries regarding the maintenance of the pools and the planting of trees, Mr. Warne said the maintenance would be added to their schedule and they would landscape their way out of the site. Trees and stumps would be removed and felled trees would be cleared out of stream. In response to questions from Ms. Glass regarding how the access road would cross the stream and if the road would be paved, Ms. Csoboth explained there would be three crossings perpendicular to the stream with mats flush with the banks and a gravel surface. She said that stream flow and fish movement would not be disrupted.

Johanna Cooper, former resident of Usonia, said it was beneficial to keep tree roots to absorb water and pollution, and asked if flooding would occur. Amanda Locke responded that roots would be removed to provide a firm surface for trucks to safely traverse the area. She said the impact on the water table should be minimal.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Geist moved, seconded by Councilman Kittredge, that the Public Hearing be adjourned at 10:50 p.m.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman said the Board consensus was for the DEP to address the issues detailed in the memo from Kellard Sessions and that when the information is obtained, a date would be scheduled to reconvene the public hearing.

Ann Leber, Town Clerk

Dated: April 14, 2009