

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 23, 2009

At 5:00 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 Kittredge moved, seconded by Councilman Weaver, approval of the minutes of the regular meeting of September 9, 2009.

The roll vote was as follows:

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

Noes: None.

Abstentions: Councilman Geist

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the minutes of the work sessions of September 17 and September 22.

The roll vote was as follows:

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

Noes: None.

The minutes of the Public Hearings which commenced at 7:50 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

- Tony Futia is in the hospital and we wish him a speedy recovery.
- A recent update regarding the repaving of Route 22 is that NYS DOT instructed the contractor to remove the dates from the illuminated road work signs because the contractor kept changing the starting dates, and it was confusing to residents. Supervisor Berman said she was also informed that when the DOT authorizes a bid for multiple jobs, the contractor determines the order of the work. Please call the following numbers to voice your complaints: Joan DuPont, Regional Director – 845-431-5750; Sandra Jobson, her assistant – 845-431-7911. Supervisor Berman also contacted IBM, Swiss Re, and MBIA and our political representatives to ask for their assistance.
- With regard to reports of a tent being erected on Donald Trump's Seven Springs property to provide accommodations for Libyan dictator Qaddafi, Supervisor Berman said that she had called Mr. Trump to find out if the tent was on the North Castle portion of the property. She said she later learned that Colonel Qaddafi would not be within the Town's borders, and stated that he is not and will never be welcome in North Castle. Councilman Geist stated that the Town will never forget that two of its residents were lost in the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland.
- The Town Board held Work Sessions to discuss the 2010 Budget on September 17 and September 22. Three additional Work Sessions are scheduled for 8:30a.m. on September 30, October 1 and October 15. All Work Sessions are open to the public. It is important

to understand the timeframe dictated by NYS law for all local governments with regard to budget planning, evolution and adoption: By October 30 a tentative budget must be filed with the Town Clerk. The tentative budget is based primarily on requests from Department Heads and does not reflect the inevitable reductions by the Town Board. The Town is required to prepare a preliminary budget by December 10 and adopt a final budget by December 20. The objective of the Town Board is always to decrease the tentative budget figures which are presented as working numbers on October 30.

- A transportation referendum will be held on October 6th at H.C. Crittenden Middle School.
- On behalf of the Armonk Lions Club, Murray Leffler has announced that Susan Geffen, an active Town volunteer for several years, is the 2009 recipient of the Pat J. Bresha Award. The Awards dinner is October 19 at 6:30pm at David Chen Restaurant.
- Fall leaves are county-mandated recyclables. Organic yard waste may not be mixed with garbage and may not be placed in plastic bags. If collection crews find leaves and other organic yard waste mixed with regular garbage, all will be left curbside until recyclables are separated according to County law. The County will assess fines against carting companies if the law is not followed. Any leaves that cannot be kept and composted on the property must be placed in biodegradable paper leaf bags and left curbside. The bags may be purchased from the Town's Highway Department for 50 cents each.
- Councilman Kittredge announced that a Prescription Take Back Day, sponsored by the County Departments of Health and Environmental Facilities, will be held on October 19th at the Hergenhan Recreation Center from 11 a.m. to 1 p.m. for the safe disposal of expired and unwanted medications (pills, liquids, ointments, or lotions) including any pet medications. Left over medications can be toxic; do not pour them down the drains or flush them down the toilets. Our water supplies can be damaged.
- On October 24th the County Department of Environmental Facilities will be at Town Hall from 9 a.m. to 3 p.m. conducting an E-Waste Drop Off Day to accept computer equipment and accessories, fax machines, TVs, cell phones, air conditioners, large and small appliances, alkaline batteries, lamps, and compact fluorescent light bulbs. The Mobile Shredder will also be available.

With regard to the replacement of the Town Hall boiler, Superintendent Richard Fon said that no responses were received in reply to the Request for Proposals, but he will contact additional vendors. Town Attorney Baroni recommended that a notice be published to advertise the project.

With regard to the recommendation from Superintendent Fon to approve the proposal from Westwood Organic Recycling to operate an organic recycling facility, Supervisor Berman said that the Board had several questions about the proposal. After discussion the matter was referred to Town Attorney Baroni and Mr. Fon to schedule a meeting with Westwood to include Supervisor Berman, Councilman Schiliro, General Foreman Craig Useted, Assistant General Foreman Jamie Norris, and Assistant Superintendent Sal Misiti.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from NYCDEP regarding its pending land acquisition of parcel #7612 for water supply protection.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval for The Armonk Players to place a sign under the eagle to publicize its production of *A Flea in Her Ear* scheduled to run from October 23 through November 15, 2009.

The roll vote was as follows:

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

Noes: None.

Supervisor Berman moved, seconded by Councilman Geist, approval for the Valhalla Ambulance Corps, Inc. to erect a freestanding sign on the grass median between North

Town Board Minutes
September 23, 2009

Broadway and Route 22 in North White Plains to publicize its Health Fair scheduled for September 20 – 27, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval for the Byram Hills PTSA to place a sign under the eagle to publicize its *Halloween 5K Fun Run and Walk* on October 25, 2009. Permission was also given to place a race banner in Wampus Brook Park at the intersection of Bedford and Maple Roads and to decorate the gazebo in the park.

The roll 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 Cablevision regarding discontinuing support for analog converter boxes effective October 7, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the adoption of a resolution agreeing to a statement of strategies, principles and recommendations detailed in The Croton Plan for Westchester, The Comprehensive Watershed Water Quality Protection Plan, dated September 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a mortgage tax update for August 2009 from Comptroller Donovan. The projection for August 2009 was \$75,000.

The roll 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 of General Foreman Ussted for the release of a highway bond to Donna Hoft, Permit #896 in the amount of \$500.

The roll 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 of General Foreman Ussted to spend \$11,000 to repair damage done to Rock Cliff Place during construction at 21, 25 and 26 Rock Cliff Place. \$3,500 was retained from Permit #s 2282, 0044, 0063, 0065 and \$7,500 was received from residents of Rock Cliff Place.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for Comptroller Donovan to make payment No. 4 to BMJ Construction Co., Inc. in the amount of \$258,115 in connection with the wastewater treatment plant nitrogen removal project.

The roll vote was as follows:

Town Board Minutes
September 23, 2009

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

Councilman Geist moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make payment No. 2 to A&R Electric, Inc., in the amount of \$195,690.50 in connection with the wastewater treatment plant nitrogen removal project.

The roll vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make final Payment to RLJ Electric Corporation in the amount of \$34,417.99, in connection with the wastewater treatment plant nitrogen removal project.

The roll vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Geist, approval of the North Castle Planning Board's recommendation to establish a Performance Bond in the amount of \$295,000 for the Massaro Subdivision to ensure the completion of the roadway and public utilities.

The roll vote was as follows:

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

Pursuant to a letter from Tax Receiver Colombo regarding a Consent, Order and Judgment for 200 Business Park Associates, parcel I.D.: 2-16-18.A01, for tax years 2008 and 2009, Councilman Geist moved, seconded by Councilman Kittredge, that Comptroller Donovan be authorized to issue a refund totaling \$18,496.82.

The roll 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 vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, receipt of Workers Compensation Reports for Donald Brandes and Juan Cordoano, Recreation & Parks Department.

The roll 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 with the Dominican Sisters Family Health Service for provision of home-delivered meals, October 1, 2009 through September 30, 2010.

The roll 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 easement agreements with Gregory and Kathy Pappalardo and with George Pappalardo, North White Plains.

Town Board Minutes
September 23, 2009

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the reappointments of Susan Geffen, Karen Gordon and Beata Buhl Tatka to the Architectural Review Board for terms to expire September 13, 2012; and the reappointment of Charles Cancro for a term to expire September 13, 2010.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the reappointment of Lewis Henkind to the Assessment Board of Review for a term to expire September 30, 2014.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter from Gerardo DiFeo, Old Orchard Street, requesting that the Board contact the Town of Harrison regarding connection of his property to the Harrison water main. Town Attorney Baroni said that Water District No. 6 would need to be extended to include the property. Supervisor Berman said the process should be started.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of an unpaid leave of absence for Charles Buccolo, Water and Sewer Department, from September 26, 2009 to December 19, 2009.

The roll vote was as follows:

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

Noes: None.

The Board discussed a proposal from Tom Andersen of the Westchester Land Trust to consider a change in the name of the Dubos property to Byram Lake Preserve. It was agreed that Supervisor Berman would contact Mayor Cindrich of Mount Kisco to see if he is in agreement with the proposed change.

Joanne Miller, Seymour Place West, said it is difficult to walk across Route 22 or to make left a hand turn when driving. Supervisor Berman said it would be difficult for any changes to be made since Route 22 is a NYS road, but referred the matter to Lt. Peter Simonsen for comment.

Gary Miller, Seymour Place West, said he was unhappy that leaf vacuuming has been discontinued and asked if the leaf bags would be picked up weekly. Supervisor Berman said the question would be referred to General Foreman Ussted, but since it is a new program, she doubts that there is sufficient information to predict the frequency of pickups. In response to Mr. Miller's question regarding whether the Town could provide the leaf bags to residents at no cost, Supervisor Berman said that this could not be done. When Mr. Miller asked what would be done with the vacuuming equipment, Mrs. Berman responded that some of it would be sold.

Resident Diane Roth expressed her view that all homes cannot easily compost and suggested the Board consider providing leaf vacuuming for residents in North White Plains. Ms. Roth said it was important to define the term customer in the proposed organic recycling program.

Resident Chris Carthy commended the Board for its decision to reduce costs by discontinuing the leaf vacuuming program.

Town Board Minutes
September 23, 2009

Town Clerk Leber read a letter from resident Mary Jo Mahon DeBernardis requesting an accommodation from the new leaf pickup program for residents on small lots.

Supervisor Berman said it would be difficult for the Board to provide a service to some residents and not to others. She encouraged residents to volunteer to assist older residents with leaf bagging.

Resident Stacey Silpe suggested the Town compile a list of people willing to volunteer. Brendan Molloy was the first town resident to volunteer to help with leaf bagging.

Joanne Miller said that residents in Yorktown pay 25 cents per bag and asked if North Castle residents could buy leaf bags at cost. Supervisor Berman asked Superintendent Fon to check with Yorktown regarding whether the cost for the bags is subsidized and if a different vendor is being used. With regard to Ms. Miller's question if there would be a limit on the number of bags that will be picked up at each residence, Supervisor Berman replied that there would not be.

Chris Carthy said Town roads will be safer without leaves on them, adding that perhaps the new program could be reevaluated after a few years.

Assistant Superintendent Sal Misiti said there was a tremendous water main break in Windmill Farm on September 18. Mr. Misiti commended the Water Department staff and the Police Department which notified affected residents through the reverse 911 system.

Councilman Schiliro said he composts all the leaves on his property and would be happy to talk with or give a demonstration to residents about composting.

Superintendent Fon reported that the Town's application for a more restrictive residential sprinkler law was denied by the NYS Building Code Council. Supervisor Berman said that the Town's proposed local law exceeds the guidelines in NYS code. Councilman Geist said that local governments need to continue to fight for their rights to protect their residents.

The Town Board audited and approved payments totaling \$9,818,108.12 as indicated on Warrant #16.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:05 p.m. in memory of Byram Hills School District President Ira Schulman's brother Robert.

Ann Leber, Town Clerk

Dated: October 5, 2009

PUBLIC HEARING

September 23, 2009

At 7:50 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 September 23, 2009 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to amend the Town Code, Chapter 196-47, Schedule VII, entitled "Stop Intersections", to install stop signs at the intersection of High Street and Sarles Street.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: September 12, 2009
Armonk, New York

The Public Notice 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.

Letters from resident David Dorfman, Sarles Street, dated July 23, 2009, Lt. Peter Simonsen dated July 15, 2009, and Chief Robert D'Angelo dated July 29, 2009 with attached letter from Lt. Simonsen were marked Exhibit "D" for the record.

Brett Summers, Vincent Lane, spoke in favor of the proposed stop sign at the High Street southbound approach to Sarles Street.

Chris Carthy, Sarles Street, said the proposed stop line and stop sign would be good moves to improve traffic safety.

David Simonds, Ridgeview Drive, said double yellow lines and a stop sign would be helpful.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 8:00 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the adoption of Local Law 11 of the year 2009 to amend Town Code, Chapter 196-47, Schedule VII, entitled "Stop Intersections", to install a stop sign at the intersection of High Street and Sarles Street. The Local Law follows:

Local Law 11 of the year 2009

A Local Law to amend Chapter 196 entitled Vehicles and Traffic of the Town of North Castle.

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

1. Article II, Section 196-14 and Section 196-47 Schedule VI entitled Stop Intersections are amended to provide as follows:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
High Street	South	Sarles Street

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.

The roll call vote was as follows:

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

Noes: None

Ann Leber, Town Clerk

Dated: October 5, 2009

PUBLIC HEARING

September 23, 2009

At 8:30 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 September 23, 2009, 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 the Town Code to permit unaffiliated business entities to use the Sanford I. Weill Center for Strategy and Executive Development, 188 King Street, Armonk, New York for conference, planning and training purposes.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: September 12, 2009
Armonk, New York

Councilman Weaver moved, seconded by Councilman Kittredge, that the Public Hearing be adjourned at 8:30 p.m. to the October 6, 2009 meeting pending notification to neighboring property owners.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: September 24, 2009