

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
March 12, 2008

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

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

The meeting was immediately adjourned into Executive Session to discuss real estate and personnel matters.

The regular meeting was reconvened at 7:35 p.m.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of February 27, 2008.

The roll call vote was as follows:

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

Noes: None.

Abstentions: Councilman Kittredge

Supervisor Berman announced that:

- The engineering plans for the Quarry Heights sewer project have received final approval from the USEPA and the project will be put out to bid by the Town and the County.
- The North Castle Global Warming Task Force is sponsoring the screenings of Global Warming: The Signs and the Science on March 16, and Who Killed the Electric Car on May 18 at the North Castle Library.

Supervisor Berman moved, seconded by Councilman Geist, the appointment of Steven Sauro, who has a background in construction and development, to the North Castle Planning Board for a five year term to expire on December 31, 2012. Arthur Adelman, after eight years on the Planning Board has stepped down and the Town Clerk was directed to send a letter of appreciation for his service.

The roll call vote was as follows:

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

Noes: None.

In response to residents' requests for plastic recycling bins, Deputy Town Clerk Anne Curran reported to the Town Board that 400 bins could be purchased for approximately \$3,700 and sold by the Town for \$9 – \$10. Use of the bins, which has the approval of Suburban Carting, the Armonk Downtown Task Force and the Global Warming Task Force, would be voluntary. Councilman Geist moved, seconded by Councilman Schiliro, authorization of up to \$3,700 to purchase 400 plastic recycling bins to be resold to residents.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, that a memo and proposed legislation to increase zoning code-related fines be received and a public hearing be set for April

Town Board Minutes
March 12, 2008

23, 2008. The Town Board declared its intent to act as lead agency; Town Clerk Leber will circulate the Notice of Intent to all interested and involved agencies.

The roll call vote was as follows:

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

Noes: None.

Pursuant to a memo from Assessor Anna Maria Marrone, Councilman Kittredge moved, seconded by Councilman Geist, scheduling of a public hearing for March 26, 2008, to consider providing Cold War Veterans with a real property tax exemption.

The roll call vote was as follows:

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

Noes: None.

With respect to the Town Board's considering the sale of Town-owned property at 48 Chestnut Ridge Road, Mrs. Klein, an adjacent property owner, asked that the Board delay substantive discussion until her attorney could be present. Town Clerk Leber read aloud letters from Kerri Kazak and the Westmoreland Sanctuary, Inc., urging the Board to retain the property as open space because of its value as a biotic corridor. Councilman Weaver mentioned that the Board has looked at a 1.2 acre property abutting Nature Conservancy property, which may be conserved for open space. Open Space Committee Co-chair Howard Arden expressed his concerns about selling the property which, he believes, should be kept as open space. Supervisor Berman pointed out that there are all kinds of open space with one undeveloped parcel possibly having more value as open space than another. Ms. Berman said that the Town had offered the property to each of the adjacent property owners, but neither was interested in purchasing it.

Councilman Kittredge moved, seconded by Councilman Geist, that John Kellard be authorized to meet with the Kleins to review what changes need to be made to the Kleins' property lines to correct certain conditions; and further moved that the Supervisor be authorized to sign the proposal from Kellard Sessions Consulting, P.C., to provide engineering services necessary to perform a feasibility study to determine the development potential of the Town-owned parcel at 48 Chestnut Ridge Road.

The roll call vote was as follows:

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

Noes: None.

Pursuant to a memo from Building Inspector Richard Fon regarding increasing building permit fees, Councilman Weaver moved, seconded by Councilman Geist, that a public hearing be set for April 9, 2008.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, that a special use permit application from Broadway Pizzeria, 616 North Broadway, to incorporate five tables with four chairs each at the rear of the pizza shop on an existing patio be received and referred to the Planning Board for study and report. Director of Planning Kaufman stated that the requested use may not be permitted due to the pizzeria's proximity to a Residential Two-Family zone.

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 NYS Department of Environmental Conservation stating that, pursuant to a reconnaissance inspection, the wastewater treatment plant was generally found to be operating in a satisfactory manner and no major deficiencies were noted at the time of inspection.

The roll call vote was as follows:

Town Board Minutes
March 12, 2008

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

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a memo from the North Castle Housing Board regarding proposed rental prices for Armonk Square middle income units (MIUs).

The roll call vote was as follows:

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

Town Attorney Baroni stated that the price for the rental units should not be tied to the market rate units, which would artificially inflate the MIUs. Alan Zaretsky, one of the developers of Armonk Square, said that changes in the formula should not be retroactive as the numbers for Armonk Square were based on the current formula. The subdivision recreation fees for the project were also discussed. The current code permits a reduction of up to one-half the recreation fee for "for sale" units if the price of the MIU is reduced by the same amount. A reduction for rental units is not currently permitted. Supervisor Berman appointed the following to form a committee to discuss these matters: Director of Planning Kaufman, Town Attorney Baroni, Planning Board Chair Peg Michelman, Councilman Schiliro, and Housing Board Chair Barbara DiGiacinto. Town Clerk Leber will set up the meeting.

A letter from the Valhalla Fire District Board of Commissioners commending Councilman Geist on his comments at the Association of Towns Annual Meeting regarding the Commission on Local Government Efficiency and Competitiveness was received and read aloud by Town Clerk Leber on the duly adopted motion of Supervisor Berman.

Pursuant to a letter from June Greenspan requesting a refund of the fee she paid for a permit to subdivide her office space, Councilman Weaver moved, seconded by Councilman Geist, authorization for the \$275 fee to be refunded, since Ms. Greenspan was unable to sublet and divide the space.

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 a resolution regarding the administrative processes relating to a grant for water quality planning and implementation for communities in the NYC watershed.

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 \$61,177 franchise fee payment from Cablevision for the Northern Zone for the second half of 2007.

The roll call vote was as follows:

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

A letter from John Tartaglia regarding recycling of plastic bags was received on the duly adopted motion of Councilman Geist. Residents were advised that plastic bags will be accepted for recycling at The Food Emporium in Armonk and at other supermarkets. If the plastic bags have recycling symbols with numbers 1-6, they can be put out with other recyclables for collection by Suburban Carting. Town Clerk Leber will convey this information to Mr. Tartaglia.

Pursuant to the request of the Byram Hills Preschool Association, Councilman Weaver moved, seconded by Councilman Geist, permission to place a sign under the eagle and at Wampus Brook Park to publicize its Amour 4 Couture Fashion Show on May 8.

The roll call vote was as follows:

Town Board Minutes
March 12, 2008

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

With respect to a request from the North Castle United Soccer Club, Councilman Geist moved, seconded by Councilman Weaver, permission to place a sign under the eagle to publicize soccer registration from April 1 to May 17. Town Clerk Leber will make it clear that the sign may be erected for only two weeks.

The roll call vote was as follows:

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

Pursuant to memos from Finance Director Donovan Councilman Geist moved, seconded by Councilman Schiliro, approval to 1) Amend the 2008 Capital Fund Budget to add \$16,485 for highway equipment as the bid came in higher than expected; and 2) Pay an additional \$4,700 to Sullivan Architecture for revised drawings for the proposed highway garage.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a letter from the NYS Coalition of Concerned Citizens regarding protecting Home Rule authority.

The roll call vote was as follows:

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

In connection with a letter from Tax Receiver Patricia Colombo, Councilman Kittredge moved, seconded by Councilman Weaver, approval of a resolution that opposes mandate changes or transfers of functions that may be proposed by Governor Spitzer's Commission on Local Government Efficiency and Competitiveness.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, permission for the Highway Department to rent a Vac-all for cleaning catch basins from Empire Equipment at \$2,000 per week or \$6,900 per month.

The roll call vote was as follows:

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

Pursuant to a memo from General Foreman Ussted, Councilman Geist moved, seconded by Councilman Weaver, the award of bids for highway materials, pavement markings and guiderail as follows:

AGGREGATES

Bank Run	No Bids
Native Winter Sand	Wingdale Materials, White Plains, NY
Trapped Rock	
3/8"	Tilcon NY, West Nyack, NY
3/4"	Putnam Materials, White Plains, NY
1-1/4"	Putnam Materials, White Plains, NY
1-1/2"	Putnam Materials, White Plains, NY
Shoulder Material	Tilcon, NY, West Nyack, NY
Screened Top Soil	No Bidders

BITUMINOUS CONCRETE

Town Board Minutes
March 12, 2008

Asphaltic Concrete Curb (Plant)
403.198302M

Peckham Materials Corp., White Plains, NY
Peckham Materials Corp., White Plains, NY

SNOW PLOW AND GRADER BLADES
TRUCK SKID CHAIN
LIQUID CALCIUM CHLORIDE
GUIDERAIL
PAVEMENT MARKINGS

Chemung Supply Corp., Elmira, NY
Expanded Supply, Cold Spring, NY
James Reed Sales, Athens, NY
Chemung Supply Corp., Elmira, NY
Safety Marking Inc., Bridgeport, CT

The roll call 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 the Landmarks Preservation Committee regarding Bedford Road historical houses and procedural review for historic designation.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, support of net metering legislation in Albany to reform New York's net metering policies to foster clean on-site renewable resources such as solar, small wind, fuel cells, etc. Town Clerk Leber will notify state officials of the Board's support.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, permission to release a Letter of Credit from Antares Cider Mill, LLC, in the amount of \$366,954, subject to receipt of a cash deposit in the same amount.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, permission for the Bobcat Boosters to place a sign under the eagle to publicize their Byram Hills Spring Sports Bar-B-Q on April 18.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, permission for Tony Harding Entertainment Media to shoot a commercial at the Armonk Methodist Church on March 20 subject to satisfying the requirements of the Town's local law regarding filming and making the necessary arrangements for parking, traffic and security with the Police Department.

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 February, 2008.

The roll call vote was as follows:

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

Noes: None.

Town Board Minutes
March 12, 2008

Councilman Weaver moved, seconded by Councilman Geist, receipt of a Workers Compensation Report on Robert Candrea, 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 Kittredge, ratification of the Supervisor's signing the agreement with Skyline Electric Corporation for street light maintenance services.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with New York State Department of Transportation for Multi Modal #4 Project #8MA004 for the repaving of sections of Greenway Road and Byram Ridge Road in Armonk.

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 Inter-Municipal Agreement regarding the MS4 – Phase II Stormwater Education and Outreach Program.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman moved, seconded by Councilman Geist, authorization for the Supervisor to sign the annual lease agreement with Westchester County for the Fisher Lane commuter parking lot, April 1, 2008 – March 31, 2009, in the amount of \$22,500.

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 memo and fully executed agreement from County Clerk Idoni with regard to remote access to Westchester County's Public Viewer and Legal Records.

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 with the Dominican Sisters Family Health Service to reimburse the Town for home delivered meals for a resident.

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 Susan Lichten to the Recreation and Parks Advisory Board to fill the unexpired term of Anthony Baratta to end on December 31, 2010.

The roll call vote was as follows:

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

Noes: None.

Town Board Minutes
March 12, 2008

Councilman Geist moved, seconded by Councilman Kittredge, the reappointments of Anita Tumminelli and Bernadette Valcich to the Recreation and Parks Advisory Board for three year terms to expire on December 31, 2010. Ms. Tumminelli will continue to serve as chair.

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 reappointments of Charles Bishop and Gloria Meisel to the Library Board of Trustees for five year terms to expire on December 31, 2012.

The roll call vote was as follows:

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

Noes: None.

Dorothy Lander, resident of Old Post Road, complained that Con Edison has left branches and stumps on her street for over two months in the aftermath of its tree trimming program. Supervisor Berman said that she will contact the utility about this matter.

With regard to the proposed increases in the Town's building fees, Tony Futia urged Building Inspector Fon to look at the fees charged in White Plains.

Mr. Fon informed the Board that, as a result of Code Enforcement Tom Baroni's efforts, a \$12,000 fine for three violations has been collected by the Town.

The Town Board audited and approved payments totaling \$645,945.61 as indicated on Warrant #5.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:10 p.m. in memory of Hugh and Trudy Gallagher's daughter, Lacey; Charles Pound's wife, Trudy; Don Caturano's grandmother, Nancy; and Fran Herridge's father, Frank Costanzo.

Ann Leber, Town Clerk

Dated: March 25, 2008

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