

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

on
July 28, 2010

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

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge Michael J. Schiliro Diane Roth John J. Cronin
Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:25 p.m. The regular meeting was reconvened at 7:30 p.m.

Supervisor Weaver read the following statement regarding public comments:

“Effective immediately the following rules for public comments at any meeting of the Town Board will apply.

The comment period regarding items not on the current meeting agenda will be moved from the end of our Town Board meetings to the beginning. Each resident wishing to speak during the open comment time will have a maximum of three minutes to make his/her comments. A maximum of seven speakers will be heard. A sign-up sheet will be available the evening of the Town Board meeting. No speaker may return to the podium, nor may a speaker loan time to another speaker.

Comments relating to a current agenda item will not be limited at this time, but I ask that speakers make their comments within three minutes. I reserve the privilege of stopping speakers if excessive time is used, repetition occurs, or disrespectful behavior occurs.

Letters and other written communications will no longer be read for residents. Residents who want their communications read at public meetings must be present to do so. Otherwise, letters and other written communications will be received and made part of the record on any given agenda item.

Due to the ease with which a resident may contact the Supervisor and Town Councilmen using email, cell phones, telephones, fax machines, the US Postal Service and by personal appointments, I feel these rules regarding public comments are justified. The Town Board has important Town business to discuss at our meetings, and we have limited time to do so.”

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the July 14, 2010 meeting.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of an extension of a market license to George Bridge to sell plant materials at 23 Bedford-Banksville Road for a term beginning August 1, 2010 and ending October 31, 2010, subject to the conditions of the resolution. The resolution follows at the end of these minutes.

The roll call vote was as follows:

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Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Comptroller Dawn Donovan presented financial highlights from the second quarter of 2010:
Sales tax projection for the first half of 2010 is \$711,718. The budgeted amount is \$1,200,000.
Mortgage tax received for the first half of 2010 is \$366,621.20. Estimates to date indicate the Town is \$8,000 from making the budgeted amount of \$510,000.
Tax penalties received for the first half of 2010 are \$247,773 as compared to the first half of 2009 which were \$156,888.
Building Department revenue to date in 2010 is \$198,329 compared to \$222,095 in 2009. Recreation Department revenue is down by over \$98,000.
General fund expenditures are down in almost every department.

Ms. Donovan provided the mortgage tax update. The projection for June 2010 is \$42,000.

Ms. Donovan provided the sales tax update. The Town will receive \$369,384 for the second quarter of 2010.

Town Clerk Curran presented the recommendation of the Communications Committee requesting the Board's approval of Elise Trainor as part-time consultant to oversee NCTV program production and to assist in creating budgeting, billing and cost analysis systems as it relates to cable television programming.

Elise Trainor's proposed compensation for work from July through December, 2010 is \$8,000, and Ms. Curran reported that the funding is within the cable TV budget for programming and professional services. She added that Elise has been an asset to the Communications Committee's efforts to improve programming and to develop the longer term vision of NCTV and that the Communications Committee enthusiastically recommends approval of this proposal.

Upon the recommendation of the Communications Committee, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to hire Elise Trainor as part-time consultant - NCTV Project Manager, through December 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, authorization for Comptroller Donovan to make payment No.10 to B.M.J. Construction Company in the amount of \$157,871 and Payment No. 5 to A&R Electric, Inc. in the amount of \$121,803.30, in connection with the wastewater treatment plant nitrogen removal project.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of letters from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

Mrs. Margaret Zuzulo	\$ 54.19
Mr. & Mrs. Justin Frankel	\$ 479.83
Mrs. Barbara Gordon	\$ 287.88
Mr. Richard Gizzi	\$1,266.70
Mr. & Mrs. Donald Draizin	\$ 287.88
Mr. & Mrs. Jerry Ende	\$ 431.85
Mr. & Mrs. Edward Brosnahan	\$ 208.64
Mr. Paul D'Agostino	\$ 466.29

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

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Noes: None.

Town Clerk Curran reported that the number of Freedom of Information Law (FOIL) requests received in the Town Clerk's office from January 1 – July 21, 2010 versus the same period last year had increased by 31%. She stated that 105 requests have been processed in that time period at a cost of \$3,652 in clerical staff hours.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memo from Town Clerk Curran comparing the number of Freedom of Information Law requests processed during the period of January through July, 2009 and 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval for Sal and Lynne DiVitto, 1551 Orchard Street, to connect to a sewer transmission main which is located in Sewer District No. 1 in the Town of North Castle and which connects to a sewer main in the Town of Harrison per terms set forth in an Intermunicipal Agreement between the two jurisdictions. The resolution follows.

Whereas, the Town Board of the Town of North Castle has received a request from Sal and Lynne DiVitto (the "Applicants") residing at 1551 Old Orchard Street (Section 3, Block 7, Lot 28.A01) for permission to connect to the sewer transmission main presently existing in proximity to their property; said property being located in Sewer District No. 1 of the Town of North Castle; and

Whereas, the sewer transmission main connects to a sewer main in the Town of Harrison which transfers the sewage to the Blind Brook Sewer Plant operated by the County of Westchester; and

Whereas, permission for this connection is, therefore, also required from the Town of Harrison.

NOW, THEREFORE, BE IT

Resolved, that the Town of North Castle hereby grants permission to the applicants to connect to the sewer transmission main on the condition that the Town of Harrison also grants permission to do so and provided that applicant agrees to the terms and conditions to be set forth and agreed to between the Town of Harrison and Sewer District No. 1 of the Town of North Castle to be set forth in an Intermunicipal Agreement (IMA) between the two municipal jurisdictions; and be it further

Resolved, that the Town Clerk is hereby directed to forward a certified original of this resolution to the Town of Harrison requesting that this resolution be placed before the Town of Harrison Town Board with a request that it adopt a similar resolution and that it set forth the terms and conditions of its approval to be set forth in the IMA referred to above.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a Notice of Claim: Joseph Valerio vs. Town of North Castle and the matter was referred to the Town Attorney.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, that the Supervisor be, and hereby is, authorized to sign the budget transfers that follow at the end of these minutes.

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The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Workers Compensation Reports for a Police Department employee and a Recreation and Parks Department employee.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign a Land Bank Parking Agreement between the Town and Aero Hardware, Inc., 130 Business Park Drive, Section 2, Block 16, Lot 18.A.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign a Retainer Agreement from Boies, Schiller & Flexner LLP to represent the Board in connection with the evaluation and potential prosecution of the Board's rights to insurance coverage under policies issued by Selective Insurance Company of New York relating to litigation involving Westwood Organic Recycling LLC.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: Councilman Kittredge

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a letter from the State of New York Division of Criminal Justice Services advising the Board that the Police Department has been awarded \$17,285 from Federal 2009 Byrne JAG Recovery grant funds to support the purchase of License Plate Reader equipment.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of Hillside Church to place a sign at the eagle to publicize its Vacation Bible School, August 16 - 20, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the scheduling of a public hearing for August 18, 2010 to consider a local law electing a retirement incentive program as authorized by Chapter 105, laws of 2010 for the eligible employees of the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with BOCES to extend a water main, with all expenses to be the responsibility of BOCES, with no cost to the Town.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

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The Town Board audited and approved payments totaling \$577,775.04 as indicated on Warrant #14.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:50 p.m. in memory of George Zygmunt.

Anne Curran, Town Clerk

Dated: August 17, 2010

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