

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

on
June 23, 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

Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

Councilman John J. Cronin was absent.

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.

Councilman Kittredge moved, seconded by Councilman Roth, approval of the minutes of June 9, 2010 regular meeting and the June 21, 2010 executive session.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Roth, Supervisor Weaver

Noes: None.

Supervisor Weaver presented a Proclamation to the Armonk Independent Fire Company to commemorate its 80th Anniversary. The Town Board expressed its gratitude and admiration for the dedication, commitment and community spirit of the men and women volunteers of the Department.

Supervisor Weaver presented plaques to the following Girls and Boys Staters in recognition of their distinguished records of achievement and their participation in the program, sponsored by the American Legion Post 1097, which provides Byram Hills High School students the opportunity to participate in the study of governmental affairs: Jaclyn Dornfeld, Jenna Hogan, Chris Cioffoletti, Justin Engle, Dylan Mogil and Arjun Patel.

Councilman Schiliro arrived after the presentation of plaques to the Girls and Boys Staters.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign a license agreement with Evan and Debi Mittman, 643 Bedford Road, Armonk, to maintain and repair the wall and adjacent lawn area on a portion of Town parkland.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Supervisor Weaver said the Board had received an e-mail earlier in the day from Neal Baumann, member of the Recreation and Parks Advisory Board, detailing its concerns about an online 2010 Recreation and Parks Online Survey which was distributed by Councilman Cronin via e-mail on June 22, 2010. Mr. Baumann was present at the meeting. He said that when Mr. Cronin had previously presented the Recreation Board a draft version of the survey, the Recreation Board had expressed its concerns about the types of questions being asked and whether they were objective. The Recreation Board voiced concerns about who was included on Mr. Cronin's e-mail distribution list and how residents who did not have e-mail access would receive the survey.

Supervisor Weaver said that the Town Board had previous discussions regarding the concept of the survey and was awaiting the recommendation of the Recreation Board. Mr. Weaver said the

Board did not receive a copy of the survey from Councilman Cronin prior to its distribution, adding that the Board had an agreement about the process and it was not followed.

Councilman Roth said the Town was moving in a good direction to have a survey to determine the type of recreational facilities the residents wanted.

Councilman Kittredge apologized to the Recreation Board and said she had no input to the survey. Ms Kittredge said that a new survey was needed to ensure distribution to the entire Town and to include mailers to residents with locations to pick up hard copies of the survey for those who were unable to participate on line.

Councilman Schiliro said that both Boards are in agreement that a comprehensive, accurate survey is needed. With regard to the distribution of the survey, Mr. Schiliro said the conduct was inexcusable, adding that officials serving on an elected Board must respect the process and use proper procedure. He said the survey could not be used due to questions concerning its content and its distribution by a private, corporate e-mail account.

Town Attorney Baroni recommended that direction be given to the residents who received the survey as to whether or not the survey was valid.

Supervisor Weaver moved, seconded by Councilman Kittredge, that the 2010 Recreation and Parks Online Survey which was distributed by e-mail by Councilman Cronin on June 22, 2010 be invalidated for the following reasons:

Though the electronic communication indicated it was from the North Castle Town Board, the survey was not approved or authorized for distribution by the full Town Board.

Supervisor Weaver, Councilman Kittredge and Councilman Schiliro stated that they did not see the survey before it was e-mailed and questioned the distribution list bearing a commercial name.

Only Councilman Roth stated that she had seen the survey before it was sent. Councilman Cronin was not present to comment.

Neal Baumann advised that the Recreation and Parks Board did not approve the electronic survey sent by Councilman Cronin. Mr. Baumann confirmed that the Recreation and Parks Board is working on a survey that will be presented to the Town Board for formal review and approval.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Weaver

Noes: Councilman Roth

Absent: Councilman Cronin

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 July 1, 2010 and ending July 31, 2010, subject to the conditions in the resolution. The resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Laura Csoboth and John Robig, HDR Architecture and Engineering, P.C. and Jose Nieves, NYCDEP presented an overview to the Board regarding the permit application from NYCDEP for wetland and open water mitigation at the former bowling alley site, 13 Old Route 22, Armonk (Section 2, Block 11, Lot 11.A, 11.A1.-2, and 11.A1.-3). Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of the permit application; and further moved that the matter be referred to the Town Engineer and the Conservation Board for study and report.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memo from Superintendent Futia regarding a June 12, 2010 Journal News article about an increase in water rates by the New York City Water Board which will impact residents of Water District No. 1.

The roll call vote was as follows:

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

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

Mr. and Mrs. Bruce Friedberg	\$ 89.41
Mr. Joseph Viola	\$ 596.15
Mr. and Mrs. Scott Zimmerman	\$1,564.01
Mr. and Mrs. Scott Shelton	\$1,220.68
Mr. Ronald Colonna	\$ 299.76
Mr. and Mrs. Charles Wardell	\$1,058.07
Mr. and Mrs. Jay Wiener	\$ 399.86
Mr. and Mrs. Glenn Ikeda	\$ 79.30
Mr. and Mrs. Vito Errico	\$1,890.19

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the NYS Standard Work Day and Reporting Resolution for elected and appointed officials.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Town Attorneys to execute Consent Judgment Re: R&V Consulting, LLC ag. The Assessor of the Town of North Castle, et al. – Index Nos. 05795/08 and 21899/08.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for Comptroller Donovan to make payment, in the amount of \$16,295.04, to the Town of Mt. Pleasant for the Valhalla Ambulance Service Award Program. The Board also approved a budget amendment to the Ambulance District No. 1 budget as follows:

SM1 1000.8021	Appropriated Fund Balance	+\$18,000
SM1 4510.0432	Contractual Expense	+\$18,000

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance of a donation in the amount of \$675 from St. Patrick's Church which held its Second Annual DARE Car Wash and Bake Sale to benefit the DARE Program.

The roll call vote was as follows:

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

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Upon the recommendation of General Foreman Useted, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to issue a license to City Carting, Inc. to collect refuse and dispose of same in the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Upon the recommendation of Superintendent Barnard, Councilman Kittredge moved, seconded by Councilman Roth, approval to award the bid to provide bus transportation for the Town's Teen Travel Camp to MTC Bus Company, the sole bidder, in the amount of \$12,400.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, receipt of mortgage tax update from Comptroller Donovan. The projection for May 2010 is \$62,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of the report regarding supermarkets in the PLI Zoning District entitled *Potential Effect of Armonk's Supermarket: Its Relocation and Financial Impact on Armonk's Main Street Businesses* from BFJ Planning Urbanomics.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the U.S. Environmental Protection Agency Amendment Number 2 for the 2004 Appropriation Quarry Heights Sewer Project.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign an agreement with NYS Office of Parks, Recreation and Historic Preservation to participate in the Certified Local Government program.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, the following:

Receipt of Workers Compensation Reports for Highway Department employees.

Approval of the request of General Foreman Useted for the release of highway bonds as follows: Chris Wolff, Permit #975, in the amount of \$500; Euro Construction, Permit #962, in the amount of \$500; Mr. & Mrs. Grieg, Permit #967 in the amount of \$500, ACI of Westchester, Permit #981, in the amount of \$500; Penna Paving, Permit #964, in the amount of \$500; and Matthew & Tony General Landscaping, Inc., Permit #469, in the amount of \$1,000.

Receipt of an e-mail from Geoff Hatheway, on behalf of the Northern Star baseball program's players and families, thanking the Recreation Department for its assistance and use of the baseball fields. Town Clerk Curran read the e-mail aloud.

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The roll call vote was as follows:

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

Upon the recommendation of Town Clerk Curran, Councilman Kittredge moved, seconded by Councilman Roth, the appointment of Richard Walz as technical support for cable television operations effective June 24, 2010.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt, with regret, a letter of resignation from Sgt. James Thomas, North Castle Police Department, effective July 4, 2010.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of terminal leave pay for Sgt. James Thomas.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Roth, permission for Sgt. Robert Barnett to attend the Crime Prevention Course in Saratoga Springs, July 12 – 16, 2010.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with Byram Hills School District for the use of Byram Hills School District buildings and grounds, July 1, 2010 – June 30, 2011, for multiple, concurrent activities.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign an Inter Municipal Agreement for a ten year period with the Town of Mt. Pleasant to share each other's Highway equipment and appropriate operators in the interest of economic feasibility for both Towns.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, adoption of the following resolution with regard to placing the title of Assistant Building Inspector in the CSEA Unit II bargaining unit:

WHEREAS, The Civil Service Employees Association, Inc. has requested that the title of Assistant Building Inspector be included in the "Unit II" bargaining unit; and,

WHEREAS, The Town Board has been advised that such a request would be upheld by the New York State Public Employment Relations Board if a unit placement petition was filed; now, therefore be it

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RESOLVED, that the Town Board voluntarily agrees to place the title of Assistant Building Inspector in the "Unit II" bargaining unit represented by the Civil Service Employees Association, Inc.; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of North Castle hereby is directed to forward certified copies of this resolution to the appropriate Town officials and Union representatives.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Weaver

Noes: Councilman Roth

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance of the donation from Dorothy Battistelli for the purchase of a park bench to be installed in Wampus Brook Park in memory of her husband, McKinsley "Mac", former North Castle Highway Superintendent,

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None.

Resident Dorothy Lander said she was impressed with the work of the Highway Department in clearing brush.

The Town Board audited and approved payments totaling \$715,966.68 as indicated on Warrant #12.

After all persons were heard who desired to be heard, the Supervisor closed the meeting in memory of George Zastenchik's sister-in-law, Margaret Ellard, at 9:07 p.m.

Anne Curran, Town Clerk

Dated: July 12, 2010

RESOLUTION

Action: Market License
Application Name: Bridge Market License
Owner: Banmonk Realty, LLC
Applicant: George Bridge
Designation: Section 1, Block 11, Lot 9C-24-A
Zone: CB-B
Acreage: Approx. 4-acres
Location: 23 Bedford Banksville Road
Date of Approval: June 23, 2010
Term of License: July 1, 2010 – July 31, 2010

WHEREAS, an application dated January 4, 2010 was previously submitted by George Bridge to operate a market at 23 Bedford Banksville Road pursuant to Chapter 131 of the Town Code; and

WHEREAS, the Town Board previously approved a market license operate a license at 23 Bedford Banksville Road on January 27, 2010; and

WHEREAS, Mr. Bridge is seeking a one month extension beginning July 1, 2010 and ending July 31, 2010 to sell plant material out of doors in the parking lot of the former Banksville Hardware store; and

WHEREAS, the operation of the market would not require any construction since the sales area will occur in the former hardware store's parking lot; and

WHEREAS, the site plan was previously forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the Police Department indicated that they did not have any issues of concern with the operation of the market; and

WHEREAS, the 4-acre property is located in the CB-B Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 11, Lot 9C-24-A; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has previously requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the development; and

WHEREAS, the proposed action is a Type II Action which has been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, article 8 under the State Environmental Quality Review Act (SEQR); and

NOW, THEREFORE, BE IT RESOLVED, that the market license is approved for a one month extension beginning July 1, 2010 and ending July 31, 2010, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this license shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use.

Prior to the Issuance of the Market License:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____1. Pursuant to Section 131-8 of the Town Code, the applicant is required to furnish a comprehensive general liability insurance policy to the town, or evidence thereof, in an amount of not less than \$1,000,000 combined single limit coverage for bodily injury or property damage liability, which also names the Town of North Castle as an additional insured landlord.
- _____2. Pursuant to Section 131-10 of the Town Code, the Town Clerk shall collect a fee in the amount of \$500 for each calendar year or \$50 for a monthly license or any part thereof.
- _____3. The applicant is required to provide written approval from property owner for use of the property to sell plant material beginning July 1, 2010 and ending July 31, 2010.

Other Conditions:

1. No sales shall be conducted after sunset.
2. Parking of motor vehicles for patrons attending the said business shall be maintained off-street only. Traffic shall be regulated in the area immediately adjacent to the premises, and parking must be maintained in good order with adequate supervision thereof at the expense of the licensee as prescribed by the Chief of Police.
3. The regulations of the Police Department, local Fire Department and Building Inspector must be adhered to.
4. All rubbish from the premises where business is conducted, and from any parking area used by said licensee in connection therewith, must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
5. Concessions serving food or drink for human consumption shall not be permitted.
6. The licensee shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.
7. Each vendor shall have a sign conspicuously placed where same may be visible, containing the name and address of the person conducting said concession.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.