

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
November 7, 2007

Supervisor Berman called the meeting to order at 7:30 p.m. and the following persons were present:

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

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the minutes of October 24, 2007.

The roll call vote was as follows:

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

Noes: None.

The minutes of the Public Hearing which commenced at 7:40 p.m. follow at the end of these minutes.

Supervisor Berman thanked the voters for their participation in yesterday's elections. She also thanked the residents of School Street, Glendale and Wampus Avenues for their generosity on Halloween when they host hundreds of children who Trick or Treat in their neighborhood. Mrs. Berman also expressed her appreciation of the efforts of the Police Department on Halloween as they kept order and directed traffic.

The Supervisor then announced that:

Byram Hills Varsity Soccer Team had won the regional semi-final and will play in the sectionals on Saturday.

The Inter-Municipal Agreement for the Quarry Heights sewer project will be finalized this week. The Town and the County will put the project out to bid and construction should begin in spring of 2008.

The public hearing on the preliminary Town budgets will be held December 5 at 7:30 p.m.

The American Legion will host a Veterans' Day service on November 11.

Town Clerk Leber read her memo thanking those who helped the elections run smoothly in North Castle in 2007: all the election inspectors and technicians; General Foreman Craig Useted and the Highway Department; Chief D'Angelo and the Police Department; Superintendent Bruce Barnard and Parks Foreman Don Brandes and the Recreation and Parks Department; Patty Colombo; Building Inspector Richard Fon; the volunteers at the Armonk and Banksville firehouses; Dr. Evan Powderly and the Byram Hills School District; New Castle Town Clerk Jill Shapiro who loaned us an extra voting machine; and the staff in the North Castle Town Clerk's office.

Discussion ensued regarding a shared vehicle wash facility to be located on the premises of the Byram Hills School District's transportation garage and shared by the schools and the Town. Both entities would share the cost of construction, hopefully aided by a NYS Shared Municipal Services Incentive Grant, and the cost of operation. General Foreman Useted explained that the Town could save a considerable amount of money by sharing the costs, extending the useful life of vehicles, and saving on man-hours necessary to wash the vehicles.

Councilman Geist raised several questions about the grant and the shared facility which were responded to by Supervisor Berman. She stressed that the Town Board is only considering committing to the grant at this point and that all taxpayers would benefit from the proposed facility. Agreeing with the Supervisor, Councilman Weaver said the Town should consider building a wash bay with the school even if we do not receive grant funds.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the following resolution and that the Supervisor be authorized to sign the grant application:

WHEREAS it has been proposed that the Town of North Castle and Byram Hills School District apply as co-applicants to the New York State Department of State Shared Municipal Services Incentive Grant Program for construction funding for a vehicle wash facility to be located on the premises of the School District's bus garage and to be jointly operated by and available to the Town and the School District to serve their respective vehicles; and

WHEREAS the Town and the School District have authority pursuant to Section 119-o of the General Municipal Law to enter into agreements for such shared services; and

WHEREAS it appears to the Town Board to be in the mutual interest of the Town and the School District to apply for such funding and to operate such a shared facility as aforesaid, now, therefore, be it

RESOLVED that the Town of North Castle be and hereby is authorized to apply as lead applicant to the New York State Department of State Shared Municipal Services Incentive Grant Program for construction funding for a vehicle wash facility as aforesaid for grant funding not to exceed \$400,000; and be it further

RESOLVED that the Town will commit 5% of the total construction cost of the aforesaid project, with such total construction cost not to exceed \$446,000., and it is presumed that the School District will do likewise, the Town portion of such funds to be available through the issuance of bonds pursuant to Local Finance Law of the State of New York; and be it further

RESOLVED that acceptance of grant funding from the New York State Department of State Shared Municipal Services Incentive Grant Program as aforesaid be conditioned on the approval of grant funds in an amount mutually agreed by the Town and the School District to be economically viable, and be it further

RESOLVED that acceptance of grant funding from the New York State Department of State Shared Municipal Services Incentive Grant Program as aforesaid be further conditioned on the negotiation and execution of an agreement between the Town and the School District with respect to sharing of post-construction expense attributable to the wash facility for personnel costs, consumable supplies, maintenance and repairs, insurance, future capital expense, and such other matters as the Town and the School District shall determine to be material to such an agreement.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a copy of a letter from Lt. Peter Simonsen to Westchester County Department of Public Works regarding a pedestrian crosswalk and a signal warrant study at North Broadway and Kensico Dam Plaza. Town Clerk Leber will forward a copy of the letter to Ed Lobermann and Lew Birns, who had previously communicated with the Board about this matter.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a memo from Director of Planning Adam Kaufman to the U.S. Environmental Protection Agency requesting a no-cost-time extension for a period of three years to December 31, 2010 for the EPA grant for the Quarry Heights District sewer system project.

Town Board Minutes
November 7, 2007

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

Councilman Geist moved, seconded by Councilman McClure, receipt of a letter from Kellard Sessions Consulting, P.C., recommending the work of Acocella Contracting, Inc., the low bidder for the Washington Avenue improvement project.

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

Councilman Geist moved, seconded by Councilman Weaver, that a letter from Mark P. Miller of Veneziano & Associates, representing Antares in connection with the Armonk Square project, be received and forwarded to Frederick P. Clark Associates and the Police Department for their comments. In his letter, Mr. Miller recommends that a crosswalk be installed on Maple Avenue and two parking spaces be eliminated on either side of the project's access drive on the same street.

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

Pursuant to the recommendation of Stearns & Wheler, LLC, Councilman Geist moved, seconded by Councilman Weaver, authorization for Payment No. 6 in the amount of \$11,837 to Natgun Corp. for the Windmill Farm water storage tank project.

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

Councilman Geist moved, seconded by Councilman Kittredge, receipt of the 2008 Preliminary Town and Special District budgets and the scheduling of public hearings for December 5, 2007.

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

Councilman Weaver moved, seconded by Councilman McClure, permission for the Armonk Players to place a sign under the eagle to publicize its production *Anatomy of a Murder* on November 30, December 2, 6, 7 and 8.

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

Pursuant to the recommendation of Kellard Sessions Consulting, PC, and Director of Planning Kaufman, Councilman Weaver moved, seconded by Councilman Geist, permission to release a performance bond for the construction of a common driveway servicing Lots 13, 14 and 22 in the Hammond Ridge subdivision and the posting of an \$11,700 maintenance bond for the common driveway.

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

With respect to his letter to the Town Board, Director of Planning Kaufman recommended that outdoor display, sales and service be permitted in the Shopping Center (SC) and Roadside Business (RB) Districts by special use permit granted by the Town Board as is currently permitted in other commercial districts. Councilman Geist said he would like guidance from Town Attorney Baroni who was expected momentarily. The matter was tabled pending Mr. Baroni's arrival.

Councilman Weaver moved, seconded by Councilman Geist, receipt of a letter from NYS Office of Parks, Recreation and Historic Preservation congratulating the Town, County

and members of the Miller House Committee on the re-opening of the historic Miller House to the public. Town Clerk Leber read the letter aloud.

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

Pursuant to a memo from General Foreman Useted, Councilman Weaver moved, seconded by Councilman Geist, release of a highway bond in the amount of \$500 to A&S Masonry for the driveway alteration at 27 Whipoorwill Road East (Permit 0428).

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

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a donation to the Police Department from Thomas and Teresa Iazzetta.

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

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter from Cablevision announcing its 2008 rates for cable television service.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a memo from Finance Director Dawn Donovan regarding the third quarter sales tax payment for 2007 in the amount of \$374,793.

The roll call vote was as follows:

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

Pursuant to a memo from Superintendent Anthony Futia requesting that the water rate for Water District No. 2 be raised to \$4.75/1000 gallons from \$3.45/100 gallons, Councilman Kittredge moved, seconded by Councilman Weaver, that a public hearing be scheduled for November 19, 2007.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, receipt of Workers Compensation Reports on Brant Sammann, William Scherf, Police Department; and Thomas MacInnes, Highway Department.

The roll call vote was as follows:

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

Pursuant to the request of Director of Planning Kaufman, Councilman Kittredge moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign a NYS Emergency Management Office grant application for the development of an all-hazard mitigation plan as a prerequisite for qualifying for FEMA funds.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Weaver, that permission be granted to Supervisor Berman, Councilman Geist, Town Clerk Leber and Tax Receiver Patricia Colombo to attend the Association of Town Annual Meeting in New York City, February 17-20, 2008.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, permission for Mechanic Robert Schupp to carry over two weeks vacation into 2008.

The roll call vote was as follows:

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

Noes: None.

In response to a letter from Patrick Bliss, Esq. to Building Inspector Fon, Councilman Kittredge moved, seconded by Councilman Geist, authorization for a survey to be conducted of the premises of Anthony Caponera, 57 James Street, North White Plains, in preparation for condemnation proceedings.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter from the Government Finance Officers Association notifying the Town that its comprehensive annual financial report for 2006 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The members of the Board congratulated Finance Director Donovan on her accomplishment.

The roll call vote was as follows:

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

Noes: None.

Tony Futia submitted documentation in support of his request to have his tax withholding discontinued.

Discussion resumed on outdoor display, sales and service. After referring to the Town Codebook, Mr Kaufman reported that the Town Board is required to refer any amendments to the zoning chapter to the Planning Board. In response to Councilman Kittredge's request to expedite the matter, Town Attorney Baroni said the Planning Board and the Town Board would have to schedule special meetings to consider the amendment and Westchester County Department of Planning would have to agree to shorten its response time. Mr. Kaufman said he would speak to the Town and County Planning Boards.

The Town Board audited and approved payments totaling \$469,597.00as indicated on Warrant #19.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Geist, that the meeting be closed at 9:00 p.m.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: November 18, 2007

PUBLIC HEARING

November 7, 2007

At 7:40 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 November 7, 2007 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, to consider the Alps Sauna & Spa Special Use Permit application to permit a 15,000 square foot Day Spa in the PLI zoning district at 130 Business Park Drive (Section 7, Block 16, Lot 18A).

By Order of the Town Board
Ann Leber, Town Clerk

Dated: October 19, 2007
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.

The green cards denoting receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

Director of Planning Adam Kaufman said that there were no planning issues with respect to the special use permit application of Alps Sauna & Spa for a day spa, and the Planning Board recommended the Town Board grant approval.

Councilman Kittredge asked Councilman Geist to read aloud the conditions of the special use permit.

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 Weaver, that the Public Hearing be closed at 7:43 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of Alps Sauna & Spa's special use permit application to allow a 15,000 square foot day spa in the PLI zoning district at 130 Business Park Drive (Section 7, Block 16, Lot 18A). The resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: November 18, 2007