

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
On
December 5, 2007

Supervisor Berman called the meeting to order at 7:35 p.m. and the following persons were present.

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

Councilman William R. Weaver was absent.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the minutes of November 19, 2007

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Supervisor Berman

Noes: None

Abstentions: Councilman McClure

The minutes of the Public Hearings which commenced at 8:00 p.m. follow at the end of these minutes.

Following are excerpts from a statement made by Supervisor Berman:

“The Byram Hills Boys Soccer Team and Head Coach Matt Allen are here tonight. As everyone in North Castle must know, The Byram Hills Boys Soccer Team won the New York State Class A Championship Title a few weeks ago. This is the first ever State Championship win for a Byram Hills team – and it’s a victory made sweeter after losing the same title in the final match last year. The sheer determination of this team to bring home the title propelled players to practice all year long and stay focused on winning the State Championship for their school and their larger community.”

Coach Matt Allen thanked the Town Board for its support, praised the team members and then introduced each of them as well as the managers.

Supervisor Berman made the following announcements:

- The North Castle Global Warming Task Force and the PTSA are co-sponsoring a screening of *An Inconvenient Truth* on December 6.
- The Town Board will be considering filling vacancies on various boards and committees. Residents interested in serving should complete the Volunteer Service Application.
- The Winter Walk is scheduled for December 9.
- Westchester County will be hosting farmers markets at the County Center for the next six months. The first two dates are December 16 and January 6.
- Westchester County’s Mobile Shredder will be stationed behind Town Hall on December 15.
- Fire district elections will be held on December 11.

The Supervisor also announced that she will be undergoing knee replacement surgery on December 17 and plans to be back at work by January 2.

Upon the recommendation of Town Clerk Leber, Councilman Kittredge moved, seconded by Councilman Geist, the probationary appointment of Beth Pollack to the position of Office Assistant – Automated Systems, Town Clerk’s office, 17 hours per week, Group 4, effective January 2, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Kittredge moved, seconded by Councilman McClure, receipt of a memo from Dolph Rotfeld Engineering, P.C., listing the events which shall occur prior to the construction of the Quarry Heights sewer system.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Pursuant to the recommendation of Director of Planning Adam Kaufman, Councilman Geist moved, seconded by Councilman Kittredge, that the Supervisor be authorized to sign the NYS Department of Environmental Conservation wetland permit in connection with Verizon’s plan to install a natural gas powered back-up generator at its existing telecommunications facility located adjacent to the sewer plant and within a NYSDEC regulated wetland buffer.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Pursuant to the Planning Board’s recommendation permitting by Town Board special use permit outdoor display, sales and service in the RB and SC Zoning Districts, Councilman Geist moved, seconded by Councilman Kittredge, that Mr. Kaufman draft appropriate legislation.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

With respect to a letter from Director of Planning Kaufman regarding Sprint Spectrum’s application to renew its existing special use permit for the operation of six panel antennas on an existing rooftop at 56 Lafayette Avenue, North White Plains, Councilman Geist moved, seconded by Councilman Kittredge, that Mr. Kaufman be authorized to prepare a resolution of approval. Mr. Kaufman further recommended that the Building Inspector look into site plan violations that appear to exist currently on the site.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from the U.S. Environmental Protection Agency granting an extension to December 31, 2010 for the grant for the Quarry Heights sewer project.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

The Board received a draft Shared Wash Bay Facility Agreement from Town Attorney Baroni. After discussion, it was decided to review the proposed agreement in Executive Session on December 11 and collectively give comments to Mr. Baroni to bring to the school district.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a mortgage tax update from Finance Director Dawn Donovan.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a memo from Ms. Donovan regarding a \$2,388,000 bond for the water tank and well project and the water tank painting project in Water District Nos. 2 and 1, respectively.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a memo from Finance Director Donovan regarding the most recent Moody's Investor Services Rating Report which maintains the Town's Aaa rating but with a negative outlook. The memo enumerates the indicators that would have to be met to maintain the Aaa rating.

The roll call vote was as follows:

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

A memo from General Foreman Craig Useted describing the Highway Department's implementing the use of salt brine as an anti-icing procedure was received on the duly adopted motion of Councilman Kittredge.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of General Foreman Useted for the release of a highway bond to Communications Specialist, Permit #489, in the amount of \$4,800.00.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of General Foreman Useted to award the bid for the maintenance of street lights in the Town of North Castle to Skyline Electric, the lower bidder, in the following amounts:

2008	\$22,860 total bid	
2008	Non maintenance and related work	\$220/hr
2009	\$24,000 total bid	
2009	Non maintenance and related work	\$230/hr

The roll call vote was as follows:

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

With respect to a request from Westchester County Department of Finance, Councilman Geist moved, seconded by Councilman Kittredge, adoption of a resolution authorizing the County to act as the Town's purchasing agent on a continuing basis for all items purchased by the County.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a donation to the Charles Michelman Fund at the library.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Geist moved, seconded by Councilman Kittredge, receipt of an e-mail from Westchester County Department of Environmental Facilities regarding increased efforts to get people to separate more recyclables from their household waste. Eventually trash will have to be in clear plastic bags and recyclables in blue tinted bags.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Pursuant to a memo from Assessor Anna Maria Marrone, Councilman Geist moved, seconded by Councilman Kittredge, approval for the Assessor's office to charge \$25 to prepare a list of owners of record using a new software package. Supervisor Berman said that those people who wished to compile the list on their own would not be charged.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Kittredge moved, seconded by Councilman Geist, permission for the Contemporary Theatre Arts Workshop to place a sign under the eagle to announce its show *Salute to Judy Garland/Footloose* to run January 25 through February 10.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a \$2,238.60 franchise fee payment from Verizon for the third quarter.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from Westchester County Department of Public Works in connection with the Stream Control Law.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Kittredge moved, seconded by Councilman Geist, receipt of an e-mail from JoAnn and Tom Gala commending Highway Department employee Robert Candrea.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, McClure, Supervisor Berman

Noes: None

Councilman Geist moved, seconded by Councilman Kittredge, receipt of Workers Compensation Reports for Robert Schupp, Douglas Ross and Robert Candrea, Highway Department.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, receipt and filing of the Town Clerk's report for the month of November.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, that Notices of Claim from John Heimerdinger and from Melissa and Edward Guardaro be received and referred to the Town Attorney.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, ratification of the Supervisor's executing a contract with Acocella Contracting for the Washington Avenue Improvement Project.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, acceptance with regret of the resignation of Anthony Baratta from the Recreation Advisory Board, effective December 31, 2007; and the Town Clerk was directed to send Mr. Baratta a note of gratitude.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, ratification of the appointment of Bernice Kissel, Library Clerk, Step 1, effective November 26, 2007.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Kittredge, that permission be granted for the Building Department staff to attend the Westchester County New York Building Officials Conference holiday party on December 20. Mr. Fon said that arrangements have been made for coverage in the office.

The roll call vote was as follows:

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

Pursuant to the request of Robert J. Lombardi, Highway Department, Councilman Geist moved, seconded by Councilman Kittredge, that permission be granted to carryover two weeks vacation from the year 2007 to 2008.

The roll call vote was as follows:

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

Resident Sue Shimer suggested that contractual expenses as they appear on the budget should be made available to the public. Supervisor Berman said she would discuss this with Finance Director Donovan.

Superintendent Anthony Futia answered a question that had been asked at a public hearing held at the last Town Board meeting to consider increasing the water rates in Water District No. 2. He said that the out-of-district rate charged in Water District No. 2 is meant to compensate for the fact that these users do not pay capital expenses.

In response to Mr. Futia's objections to the cost involved in changing a lot line, Town Attorney Baroni said he will investigate whether the necessary information is already available from another source. Director of Planning Kaufman said the Town can differentiate between existing lots and newly created lots.

Resident Michael Fareri discussed his concerns regarding the Planning Board.

Robert Dean asked Mr. Kaufman for some clarification regarding outdoor display. Mr. Baroni suggested that Mr. Dean go to the Zoning Board of Appeals to resolve some of the issues regarding his property.

John Pighini of North White Plains spoke of his subdivision application and questioned why the process is taking so long. Mr. Kaufman said he would meet with Mr. Pighini.

The Town Board audited and approved payments totaling \$1,743,388.96 as indicated on Warrant #21.

After all persons were heard who desired to be heard, the Supervisor adjourned the meeting at 10.45 p.m. into Executive Session on a contractual matter upon the request of Town Attorney Baroni. The meeting was closed at 10:55 p.m. in memory of resident and Armonk Lion Bill Kaufman.

Ann Leber, Town Clerk

Dated: December 18, 2007

PUBLIC HEARING

December 5, 2007

At 8:00 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Notices that follow:

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of North Castle for the year 2008 has been completed and that the same has been filed in the office of the Town Clerk of said Town where the same is available for inspection by any person interested therein, and that a Public Hearing thereon will be held by and before the Town Board of said Town at the Town Hall, 15 Bedford Road, Armonk, New York, on December 5, 2007 at 7:30 p.m., or as soon thereafter, when any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item therein contained.

Supervisor	\$117,266	
Four Town Council Members		\$ 80,544
Town Clerk	\$ 98,482	

BY ORDER OF THE TOWN BOARD

Town Board Minutes
December 5, 2007

Town of North Castle, New York

Ann Leber, Town Clerk
Dated: November 16, 2007
Armonk, New York

NOTICE IS HEREBY GIVEN that the Preliminary Budgets for the year 2008 have been completed for Sewer District Nos. 1, 2, 3, 4 and 5; Water District Nos. 1, 2, 4, 5, 6 and 7; Street Light District Nos. 1, 2 and 3; Parking District No. 1; Ambulance District Nos. 1 and 2; and Fire Protection District No. 1; and that same have been filed in the office of the Town Clerk of said Town, and

FURTHER NOTICE IS GIVEN that the Town Board of the Town of North Castle, New York has been assessed the amount of estimated expenditures for Sewer District Nos. 1, 2, 3, 4 and 5 for the year 2007 less the estimated revenues as set forth in the estimate as adopted on those lots and parcels of land charged therewith in proportion as nearly as may be to the benefits which each lot or parcel will derive therefrom, and has prepared an assessment roll describing the several properties, the names of the owners or reputed owners thereof and the aggregate amount of assessment levied there against and filed the same with the Town Clerk of said Town where it may be examined by any person interested therein, and

FURTHER NOTICE IS GIVEN that the Town Board will meet and review such Preliminary Budgets and such assessment roll at a Public Hearing to be held by and before said Board on December 5, 2007 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York at which time any person may be heard in favor of or against the estimates and/or assessment roll as compiled or in favor of or against any item therein contained.

BY ORDER OF THE TOWN BOARD
Town of North Castle, New York

Ann Leber, Town Clerk
Dated: November 16, 2007
Armonk, New York

The Public Notices were marked Exhibit "A" for the record.

The Affidavits of Posting were marked Exhibit "B" for the record.

The Affidavits of Publication from The Journal News were marked Exhibit "C" for the record.

The introductory letter prepared by Finance Director Dawn Donovan that accompanied the 2008 Preliminary Budget was entered as Exhibit "D" for the record.
The 2008 Tentative Budget, received by the Town Clerk on October 30, 2007, was entered at Exhibit "E" for the record.

Supervisor Berman made the following statement:

"North Castle's preliminary budget, though technically based on the Supervisor's tentative budget, represents cooperation and compromise among the Supervisor, the Town Board and the department heads. The collaboration at the early stages between the Supervisor and the Town Board is an unusual approach, and I credit my predecessor Jack Lombardi with that practice. I also thank my Town Board colleagues for their advice and assistance and our finance Director, Dawn Donovan, for her guidance and professionalism.

We began this process in August when Dawn Donovan and I held meetings with all the department heads to hear their estimates for the department budgets; and it concluded

with the practice that I began in 2007 with an open to the public work session involving all department heads and the Town Board, at which time we eliminated nonessential items and reduced other expenditures as much as we responsibly could.

We have a preliminary budget with a 6.95% increase. In order to accomplish this, all departments, including mine, had to set priorities and give up significant, and in some cases, important proposals. I want to point out that we are presenting the Town budget, which represents less than 20% of your total tax bill; school taxes are usually somewhat more than 60%, and the County tax is generally close to 20%.

In Dawn's power point presentation, she will give you a visual overview with additional detail. But I want to review some relevant elements first:

Salaries:

Salaries and benefits are by far our major expense items. They account for just over 71% of the general fund budgeted expenses.

Previously negotiated union contracts mandated 4.25% increases for most Town employees. This year we completed negotiations with one unit of CSEA, and they received a 3.75% increase for the next three years. We are proposing a similar 3.75% increase for all department heads and other non-union employees, which is .5% less than in 2007. The Town Board and I will limit our increases to 3.5%.

New Positions:

We will be adding the following new positions:

- a plans examiner, as was recommend by the Approval Review Task force, to assist our building inspector and town planner, and to help expedite the review process;
- a clerical position in the recreation department beginning in June;
- a half-time clerical position in the Town Clerk's office beginning in January;
- a water and sewer laborer beginning in June; it has been more than 10 years since that department has had a staffing increase.

Initiatives:

We are funding a new initiative in the police department. With the upgrading of software and the installation of computers in three police vehicles that cover all three major areas of our Town, police officers will be able to immediately locate information about people they pull over. We are applying for a state inter-municipal grant for a shared wash bay facility with Byram Hills; and we are planning a new and relocated Highway Garage, which included its own wash bay before the shared wash bay was proposed. The highway garage will be funded through the issuance of a bond.

Fund Balance:

While it is tempting to dip deep into fund balances to pay for budgeted expenses and to show a lower bottom line, it is essential to keep our general fund balance at a stable level and to increase it over the next few years, as recommended by our auditors and by the Town Finance Task Force. A stable and healthy fund balance is necessary to maintain our AAA bond rating and to cover unanticipated expenses. The Town Board is committed to restoring our fund balance to 20% of our General Operating Fund and is exploring several options.

We are also committed to a budget that accurately reflects our expenditures and doesn't underestimate expenses in order to achieve a lower tax rate resulting in using the fund balance to cover expenses. In order to accomplish this, we added \$50,000 for police overtime from \$225,000 to \$275,000, to bring that line closer to actual overtime expenses. We added \$75,000 for road supplies from \$250,000 to \$325,000 to bring road supplies back to and slightly above 2001 levels. We increased the contingency fund from \$80,000 to \$200,000 so unanticipated expenses would be taken from the contingency fund instead of the fund balance. We also reduced our expected revenues from sales and mortgage taxes so that we would rely less on economically sensitive revenues.

We have planned for \$900,000 to be appropriated from the general fund balance to the general fund for the 2008 budget as compared to \$1,000,000 taken from the general fund

balance last year. A total of \$668,000 will be appropriated from other fund balances for highway, library, sewer and water needs.

We expect 2008 to end with fund balances at increased levels.

I consider it to be the duty of the Supervisor and of the Town Board to do the best we can to balance the needs of the Town with our desire to keep tax increases in check. While different individuals have always had and will continue to have different views as to what the Town needs and how much they are willing to pay for them, we believe that we have adequately planned for the funding of services that are essential and that the residents can reasonably expect to receive. The goal of this budget is to deliver these services at minimum costs and without raiding our fund balance or endangering our credit rating.

Our finance director, with the assistance of Adam Kaufman, will now give a brief overview of the budget. Please hold your questions till she has finished the presentation. We also have our department heads here to answer your questions.”

Finance Director Donovan described budget enhancements which have been initiated this year and summarized the budget based on her introductory letter which follows:

“October 30, 2007

To Supervisor Berman and Town Board Members:

I am pleased to be able to present the 2008 Tentative Budget at a 6.95% tax rate increase.

The 2008 Tentative Tax rate \$133.09210 per \$1,000 of assessed value compared to the 2007 Tax Rate of \$124.44777 per \$1,000. This negotiated increase has been achieved by reducing expenses and increasing revenues where appropriate.

We have continued the goals section of the budget. The Supervisor asked each Department Head to include a description of department responsibilities, accomplishments for 2007 and goals for 2008.

The General Fund has a few areas that have changed from the 2007 budget. The Town Attorney and Town Engineer have agreed to zero increases in their 2008 retainers. The Police Department has budgeted for new software as their current software is outdated. The Building Department has budgeted for a Plans Examiner as recommended by the Approvals Review Task Force. A new vehicle is budgeted for the Director of Planning as per our vehicle use plan. We have reallocated all benefits from one central location to each individual department.

The Highway fund has a 6.07% budget increase for 2008. The increase is due to rising costs of materials. We have also shifted Highway Transportation and Composting from the General Fund to the Highway Fund.

The Library fund has a 7.74% budget increase for 2008 as a result of planned refurbishing of their air conditioner units.

Sewer and Water Department has allocated their salaries and benefits to reflect the actual time spent in each district. A new entry level skilled laborer is included in the budget. The hiring is expected to be completed by June 2008. Water District 2 is requesting an increase in rates due to increased expenses and no increases in rates for the past 13 years. Water District 2 has completed the new tank and is working on the new well. Sewer District 2 is in the process of completing the Sewer Treatment Plant Upgrade. I have secured funding with the NYS Environmental Facilities Corporation and have saved over a million dollars in interest for the district. I have secured funding for the next phase of this project (Nitrogen Removal) and have received a short term zero percent loan for the engineering design and planning costs.

Ambulance District 2 costs are increasing 7.39%. There is a new cost allocation method for 2008 that is used for Westchester EMS consortium participants.

The Fire Districts' budgets are not included at this time, but are expected to be available for our public hearing on December 5, 2007. There was new legislation that required the Fire Districts to hold public hearings on their budgets. Their budgets are not to be received by the Budget Officer by November 20.

The following sections are included in the budget.

Salary Schedule – The schedule shows departments, titles and salaries with longevities for Town employees. The salaries presented are based on settled union contracts for CSEA 2, CSEA Library, PBA and department head increases approved by the Town Board. CSEA Highway unit's contract will expire on December 31, 2007.

Capital Plan – This document is a planning tool that the Town Board and Department Heads can use to select an appropriate time to begin various projects. We have included funds in a Capital Budget for a new roof at the Annex and new carpeting in the Police Department. We have continued our Highway large equipment purchasing plan and have included that in our Capital Budget.

Vehicle Replacement – This schedule shows when various Town vehicles need to be replaced and an estimated purchase price. All Vehicles purchased by the Town are from state contract or competitive bid.

Town Debt – This scheduled shows by fund what long term obligations are currently outstanding for the Town. There is also a projected principal and interest payment for Water District 2 for the new tank and well project. I plan on inviting Moody's Investor Services to the Town of North Castle to help in reaffirming our Aaa rating.

Attached is a chart showing the tax rate increases for the past 18 years. The average tax rate increase is 2.28%.

I appreciate any comments or suggestions to help improve the budget document.

The Budget hearing is scheduled for Wednesday, December 5, 2007 at 7:30 p.m.

Respectfully submitted,

Dawn Donovan"

Supervisor Berman commented that the budget has been posted on the web site for some time.

In response to Councilman Kittredge's query, General Foreman Craig Useted said that the snow storm on Sunday cost the Town \$14,000.

Resident Sue Shimer questioned the dog control fees and fines and State aid for the Justice Court.

Resident Michael Fareri then discussed assessables and the tax rate in great detail, using various diagrams and charts. He illustrated the growing space between assessables and the total budget from 2000 to 2008. He questioned why the bottom lines for each department are so much higher than previously.

Citing the Town Board goals as enumerated in the budget document, Mr. Fareri said that the Whippoorwill Hills subdivision had donated some acreage for parking and questioned why the Armonk Square development is receiving a 25% reduction in the required

number of parking spaces. He also suggested that the Town Board consider the tax implications if the bowling alley property is sold to the NYS Department of Environmental Protection versus being developed.

Mr. Fareri then compared town and school taxes and stated that the biggest problem is no growth. He said that assessables should be increased by encouraging the development of commercial properties; the Town should hire an efficiency expert to evaluate the various Town departments; Highway Department purchasing should be more efficient; and the health benefits should be looked at.

Ms. Donovan explained that the increase in the bottom lines for each department can be partly attributed to her including the benefits as part of each department's budget.

Town Attorney Baroni explained PILOT agreements in detail and said that corporations can challenge a tax assessment, but the PILOT agreements cannot be challenged, thus lending stability to tax revenues. Councilman Geist added that PILOT agreements helped maintain the presence of IBM and other corporations in the community. Assessor Anna Maria Marrone said the Town has done well with its PILOT agreements which lend stability.

Mr. Fareri said the Town should look into reassessment of all properties which hasn't been done since 1965.

Resident Howard Arden commented on some of the budget allocations and inquired about State aid which has increased from \$115,000 to \$244,000. Ms. Donovan said that the \$115,000 in 2007 is for the CHIPS highway program and the \$244,000 in 2008 is for CHIPS and the Multi-Modal (sidewalk) project. Mr. Arden also questioned what types of expenses are included in the contractual professional services budget lines. Ms. Donovan said they include agreements with vendors, software companies and technical support.

Resident Kerry Lutz suggested looking at cutting costs such as retiree health benefits and considering utilizing the Internet for purchasing. He added that retiree health benefits should be evident in the budget according to NYS law.

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 Geist, that the Public Hearing be closed at 9:25 p.m.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman announced that the Board will vote on adopting the budget at a Special Meeting on December 11 as Councilman Weaver was not able to attend this meeting and she will not be able to attend the December 19 meeting. Ms. Berman thanked the department heads and the members of the Library Board of Trustees who had attended the public hearing.

Ann Leber, Town Clerk

Dated: December 18, 2007

PUBLIC HEARING

December 5, 2008

At 9:25 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 December 5, 2007 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York 10504 for the purpose of considering the adoption of a local law to amend the Code of the Town of North Castle Chapter 30 entitled "Officers and Employees" to modify residency requirements for Deputy Town Clerk.

By Order of the North Castle Town Board
Ann Leber, Town Clerk

Dated: November 20, 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.

A letter from Town Clerk Leber was marked Exhibit "D" for the record.

Town Clerk Ann Leber explained that she is requesting that the Town Board waive the residency requirement for the position of deputy town clerk so that she can appoint Barbara Pesquera to the position. Ms. Pesquera, who holds the title of Senior Office Assistant – Comptroller in the Town Clerk's office and lives in Somers, will be assuming many of the responsibilities of First Deputy Town Clerk Anne Curran. Ms. Curran will be focusing her efforts on communications related work such as the web site, cablecasting and cable franchise negotiations. There were two deputy town clerk positions in North Castle until 1986.

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 Geist, that the Public Hearing be closed at 9:27 p.m.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, McClure, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, the adoption of Local Law 21 of the year 2007 to amend the Code of the Town of North Castle Chapter 30 entitled "Officers and Employees" to modify residency requirements for Deputy Town Clerk.

The Local Law follows:

A Local Law to amend Chapter 30 of the Code of the Town of North Castle entitled Officers and Employees.

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

Section 1. Purpose

It is the purpose of this Local Law to modify the requirements of Section 23 of the Town Law and Section 3 of the Public Officers Law, which sections require that the Deputy Town Clerk be a resident and elector within the Town by amending Chapter 30 of the Code to include Article VI thereof entitled Residency Requirements for Deputy Town Clerk.

Section 2. Authority

This Local Law is enacted pursuant to the provisions of Section 10 of the Municipal Home Rule Law.

Section 3. Title

A Local Law to amend residency requirements for the Deputy Town Clerk of the Town of North Castle.

Section 4. Residency Requirements

In the Town of North Castle, Westchester County, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which she shall be chosen or within which her official functions are required to be exercised, shall not prevent a person from holding the office of Deputy Town Clerk of the Town of North Castle provided that such person resides within the State of New York.

Section 5. Effective Date

This Local Law shall take effect upon filing with the State of New York.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, McClure, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: December 18, 2007
