

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

on
January 23, 2008

Supervisor Berman called the meeting to order at 6:00 p.m. and the following persons were present:

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

Councilman Rebecca A. Kittredge was absent.

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

The regular meeting was reconvened at 7:30 p.m.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of the organizational meeting and regular meeting on January 9, 2008.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman announced that:

- February 5 is the Presidential Primary. Absentee ballot applications must be postmarked by January 29. Ballots must be postmarked by February 4. Absentee ballot applications are available on the Town's web site.
- The County will be collecting electronic waste including small appliances behind Town Hall on Saturday, February 9 from 9 a.m. to 3 p.m. The mobile shredder will also be available.

Proposed legislation for residential and commercial fire sprinklers was received on the duly adopted motion of Councilman Weaver.

John Heimerdinger, Chair of the Residential Fire Sprinkler Advisory Committee, made the following points.

- There is no residential loss of life with fully operational fire sprinkler systems.
- New construction is quite different than older construction in that some newer materials are highly flammable and burn extraordinarily quickly. These fires can be easily controlled with sprinklers.
- There is minimal water damage in a limited area with sprinkler systems since each sprinkler head is independently heat activated.
- Cost of sprinkler systems in new construction is 1 to 1 ½% of the building cost.
- Owners should receive a 13% discount in fire insurance rates with a fully sprinkled building. There are also incentives to builders in the building code.
- New plastic pipes used in sprinkler systems are less prone to leakage than older copper pipes.
- Fire dangers, not only to residents, but to firefighters, including the dangers of roof collapse and exposure to toxic substances from new building materials, must be considered.

Several questions were raised by the Town Board about the costs of installing sprinkler systems in new construction and retrofitting older buildings regardless of size, including at the time of a change of use. The Town Board agreed to hold a Work Session to discuss the proposed

legislation and to obtain various cost estimates from the Committee. The Work Session was scheduled for January 29, 2008.

Councilman Weaver moved, seconded by Councilman Geist, receipt of the Finding of No Significant Impact/Environmental Assessment from USEPA for the Quarry Heights sewer project. Town Attorney Baroni said he would prepare the public notice.

The roll call vote was as follows:

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

Noes: None.

Deputy Town Clerk Curran presented an update on cable service from Verizon and Cablevision. Reviewing Verizon FIOS TV, Ms. Curran summarized these points:

- The franchise agreement with Verizon was approved in the spring of 2007 for a ten year term allowing many residents to receive the 100% digital network. Currently the network has been built out to reach 82% of Town households which is 1% above the construction deployment provided in the Agreement; full coverage of the Town is promised by 2012.
- The Agreement provides for interconnection sites to provide Public, Educational and Government (PEG) Access programming and grant money to be used to establish facilities for cablecasting. The first site at Byram Hills High School is now activated and sends the same CTV-20 programming out to FIOS TV subscribers on Channel 38. This channel is now available to Verizon subscribers in North White Plains and Quarry Heights.
- The second interconnection site will be located at Town Hall and is scheduled to be operable in March, 2008. This channel is the Town's Government Access channel. Verizon has established fiber optic connectivity to the Town Hall building and suppliers and equipment are being evaluated. Verizon provided an initial PEG Grant which will be used to fund the purchase of equipment and expenses related to the development of the Government Access channel.

Explaining that the franchise agreements with Cablevision expired long ago, Ms. Curran described a variety of issues that the Cable Advisory Committee is negotiating with Cablevision including: unified cable TV coverage of the Town geography, transparency with franchise fee calculations, PEG grant monies for new channels, and language intricacies between the northern and southern agreements. In conclusion, she stated that the long range plan is to cablecast Town programming from Town Hall on a new Cablevision Government Access channel.

Acknowledging the difficulties in airing of Town meetings on CTV-20, Ms. Curran stated that the Town is dependent upon the scheduling and technical operations at the studio located at Byram Hills High School. The School District is aware of the numerous complaints from residents about missed airings and interrupted airings of meetings for the past several months and is attempting to resolve various problems which have caused this.

Pam Lester of Landscape Architects Consultants presented a plan to provide better access, drainage, and parking at Clark Field at Lombardi Park. Town Attorney Baroni said the SEQR review process should be started, and Landscape Architects Consultants should be authorized to proceed with taking the conceptual drawings to working drawings in conjunction with the Town Engineer. These actions would be followed by the call for bids and bonding estimates.

Councilman Geist moved, seconded by Councilman Schiliro, that Pam Lester be authorized to prepare the Environmental Assessment Form and Director of Planning Adam Kaufman be authorized to prepare the Notice of Intent for the Town to act as Lead Agency for this project.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for Landscape Architects Consultants to proceed with the development of working drawings in conjunction with the Town's engineer.

The roll call vote was as follows:

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

Receipt of a petition for a zone text amendment to establish animal hospitals as a special permit use in the Central Business (CB) Zoning District was tabled due to the absence of Director of Planning Kaufman on the duly adopted motion of Councilman Geist.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the request of General Foreman Useted for the release of highway bonds to Lou Percello, Permit #441, in the amount of \$750; and to Communications Specialists, Permit #472, in the amount of \$1,000 and Permit #513, in the amount of \$1,950.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted to enlist F. A. Bartlett Tree Expert Company for the removal of Town trees as follows:

Rental of 60' bucket truck with operator and one groundsman for various tree services
Per day (8 hours). \$1,105.00

Rental of 65' bucket truck with operator and one groundsman for various tree services
Per day (8 hours). \$1,105.00

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, acceptance of a donation of \$1,500 from the North Castle PBA to the North Castle DARE Program.

The roll call vote was as follows:

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

Councilman Geist moved, seconded by Councilman Weaver, receipt of a memo from Director of Finance Dawn Donovan containing a mortgage tax update. Supervisor Berman commented that the projected amount for October 2007 through December 2007 is close to the budgeted amount.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, that the Supervisor be, and hereby is, authorized to make the budget transfers that follow at the end of these minutes.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, receipt of Workers Compensation Reports on William Scherf, Police Department and Joseph Remo, Highway Department.

The roll call vote was as follows:

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

Supervisor Berman stated that the public comment period for the Environmental Findings Statement in conjunction with the Quarry Heights sewer project is open through the end of

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January. Inter-Municipal Agreements with the Town of Harrison and easements agreements with residents; bid documents are being prepared.

Councilman Weaver moved, seconded by Councilman Geist, ratification of the Supervisor's executing an Easement Agreement with Westchester County in connection with the Quarry Heights sewer construction project.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of an executed IMA Agreement and Easement between the County of Westchester and the Town/Village of Harrison in connection with the Quarry Heights sewer construction project.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of an executed IMA Agreement between the County of Westchester and the Town of North Castle in connection with the Quarry Heights sewer construction project.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of John Reese as volunteer liaison to the Building Department; Councilman Kittredge is liaison from the Town Board.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign a land bank parking agreement with Aero Hardware, Inc. A full build out of the parking spaces is not required at this time, but if needed at a future date they must be constructed within six months of notification by the Planning Board.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Bernard Katz & Co., P.C., regarding an employee's request that the Town cease all tax withholdings. Town Attorney Baroni summarized that it is not within the Town's purview to accede to the employee's request and the Town has the obligation to continue to withhold. The letter states, "In our opinion, if the municipality accedes to the employee's request, it will incur liability, at a minimum, for the additional tax, interest, and penalties attributable for the failure to withhold".

Supervisor Berman reviewed the policy for the public comment period at Town Board meetings.

Anthony Futia expressed objection to the three minute limit on speakers during the public comment period. He suggested a timer be used that could be seen by the speaker to indicate the time remaining. He also requested that public comments be read by the Town Clerk for those people who are unable to attend a meeting.

The Town Board audited and approved payments totaling \$12,518,028.59 as indicated on Warrant #1.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:35 p.m. in memory of Bruce Barnard's brother-in-law, Gregory Turner; Florence Bresha, wife of former Councilman Pat Bresha; and Juliann Santarsiere's father, Thomas DiMartino.

Ann Leber, Town Clerk

Dated: February 7, 2008