

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 9, 2008

Supervisor Berman called the meeting to order at 7:30 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.

Councilman Geist moved, seconded by Councilman Weaver, that approval of the minutes of the work session and regular meeting on December 19, 2007 be tabled until Councilman Kittredge returns from vacation. At the present time there are not enough members of the Board, who attended those meetings, present to vote on them.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of the regular meeting on January 2, 2008 when the swearing in took place.

The roll call vote was as follows:

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

Noes: None.

Supervisor Berman announced that:

- The Town budget was adopted unanimously on December 11.
- The Landmarks Preservation Committee voted to grant a Certificate of Appropriateness to the Armonk Square project on December 8.
- The deadline to register for the February 5 Primary is January 11.
- Westchester 2025 is being introduced by Westchester County at the County Center on January 16.
- The County will be collecting electronic waste and small appliances behind Town Hall on Saturday, February 9 from 9 a.m. to 3 p.m. The mobile shredder will also be available.

Troop Leaders Karen Parish and Tracey Lander introduced the members of Girl Scout Troop 1156, who had completed their Silver Award. For its project, the troop had collected sheets, towels and toiletries, made baskets to hold them, and delivered everything to the Northern Westchester Shelter for victims of domestic violence. The Town Board commended the girls for their project and upon the completion of their Silver Award.

Representatives of the JCC of Mid-Westchester appeared before the Board to request that they be allowed to use the soccer fields at North Castle Community Park for the Maccabi Games, August 16-21, 2009. Stan Pluchik, Director of Operations, explained that the games are Olympic-style events which will be held at various sites throughout North America. In response to questions from the Board, Mr. Pluchik said that the JCC would coordinate security with the North Castle Police Department; provide medical support; and supply certificates of insurance. Councilman Weaver moved, seconded by Councilman Geist, authorization for Recreation and Parks Superintendent Bruce Barnard to work with the JCC to “make the games happen.”

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The roll call vote was as follows:

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

Noes: None.

Dr. Michael Klemens and Danielle LaBruna of the Metropolitan Conservation Alliance gave a Powerpoint presentation of the North Castle Biodiversity Plan, a joint project of the MCA and the Town that began in 2006. The purpose of the project was to identify the portions of North Castle within the 1,000 acre study area that are of high biodiversity value in order to provide the Town with information it needs to improve planning to protect these resources. Dr. Klemens recognized the support of the Town Board, the Open Space Committee, Conservation Board Chairman John Fava and Director of Planning Adam Kaufman. Supervisor Berman said she would speak with the Supervisors of Bedford and New Castle regarding future cooperation studies. She asked John Fava to review the study with the Town's consultants and make specific recommendations.

Charles Shapiro of The Stage One Collaborative, LLC, came before the Town Board to summarize his work in developing a strategic concept plan for the long range development of the Town Hall complex. Some of the points stressed by Mr. Shapiro were:

- An awareness of the inadequate facilities of the Highway and Police Departments as well as various Town offices.
- A desire to improve the parking and access on the site.
- A desire to focus government facilities on the site.

After discussion with the Town Board and department heads, Mr. Shapiro explained that he had developed a plan to consolidate a new highway garage and maintenance facility on the southwest corner of the site, thereby preserving good options for the site in the future, including perhaps new buildings for the Police Department and public library, as well as a town green. The proposed plan would provide direct access from the site onto Route 128, precluding the need for highway vehicles to access the site from Bedford Road. Mr. Shapiro said he has worked with Clerk of the Works John Reese and General Foreman Craig Useted and that a cost estimate is in process.

Supervisor Berman clarified that the highway garage project will begin this year as it is the most pressing; the rest is about long term planning.

Councilman Weaver moved, seconded by Councilman Geist, approval of the resolution for the extension of Sprint Spectrum L.P.'s special use permit for its telecommunications antennas on the rooftop at 56 Lafayette Avenue through January 9, 2013. The resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

With regard to a letter received at the December 19, 2007 meeting, containing the recommendations of the Sprinkler Advisory Committee for proposed legislation and incentives for installation of fire sprinklers, resident Ed Lobermann, Nethermont Avenue, spoke at great length. Since the letter referred to "the overwhelming consensus of the Committee," Mr. Lobermann wanted to know the opinions of those who differed from the consensus. He expressed his objection to providing a tax benefit as an incentive for installing sprinklers. Town Attorney Baroni informed Mr. Lobermann that he was not aware of State legislation that would allow such an incentive. Building Inspector Richard Fon, a member of the committee, said that the recommendations were unanimously approved by the committee. He added that the Town would need to obtain approval from the Department of State for the legislation, if adopted, since the Town standards would be stricter than the State's.

Councilman Geist moved, seconded by Councilman Weaver, receipt from Director of Planning Adam Kaufman of a letter and proposed legislation to permit outdoor sales, display and service in the RB and SC zoning districts and scheduling of a public hearing for February 13, 2008.

The roll call vote was as follows:

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

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Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the Town Board's intent to act as lead agency with regard to the adoption of a proposed local law to permit outdoor display, sales and service.

The roll call vote was as follows:

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

Noes: None.

Robert Dean, owner of a business in the RB zoning district, addressed the Board with regard to outdoor display, sales and service in that district. Supervisor Berman interrupted Mr. Dean to suggest that his comments would be more appropriate at the upcoming public hearing. She said that, while outdoor display is not currently allowed in the zone where his business is located, the Town Board is taking steps to permit it.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a copy of a letter from Director of Planning Kaufman to County Executive Andrew Spano containing the Town's comments with regard to the County's Suburban Workforce Housing for Economic Sustainability Act. Mr. Kaufman concludes by saying, "The proposed legislation is a very good concept; however, additional information regarding the law is required."

The roll call vote was as follows:

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

Noes: None.

Pursuant to the request of Stearns and Wheler in connection with the Windmill Farms water storage tank project, Councilman Geist moved, seconded by Councilman Schiliro, the following:

- Approval for Payment #7 to Natgun Corporation in the amount of \$59,223.
- Approval of Change Order #3 in the amount of \$4,660.
- Authorization for the Supervisor to sign the Certificate of Substantial Completion.

The roll call vote was as follows:

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

Noes: None.

Pursuant to the request of the North White Plains Neighborhood Association, Councilman Weaver moved, seconded by Councilman Schiliro, permission to place a sign on the median between North Broadway and Route 22 to publicize the Association's next two meetings on January 14 and May 12.

The roll call vote was as follows:

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

Noes: None.

With respect to a request from the North White Plains Neighborhood Association, Councilman Geist moved, seconded by Councilman Schiliro, approval to hold a Town Board meeting in the first half of 2008 in the North Castle Community Center pending resolution of the audio issues in the community center. The suggested dates are April 9 or 23 or May 14 or 28.

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 letter from the Public Service Commission informing the Town that the expiration date of the Temporary Operating Authority under which Cablevision Systems Westchester Corp. has been providing service in the Town of North Castle has been extended to July 9, 2008.

The roll call vote was as follows:

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

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Cablevision with regard to service changes including the discontinuation of Nickelodeon Gas (iO Channel 124), effective December 31, 2007, and the expansion to The N (iO Channel 123). Customers will be notified of programming changes.

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 letter from New York Power Authority announcing that the Westchester County governmental customer rates for 2008 will increase by 15.05%; and, if Con Ed is awarded the full delivery service rate increase it is seeking, the total bill impact on the Town will be an increase of 26.5%.

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 a letter from David Sirkin requesting that the Town inspect the Town-owned trees on or adjacent to his property on Sunrise Place. Town Attorney Baroni advised that the letter is a formal notification of a possible hazard and must be responded to quickly. General Foreman Useted was directed to arrange with an arborist to survey the trees to ensure they are in good condition and to be sure the electrical wires are not compromised. Mr. Useted was requested to report back to the Town Board once the survey is complete.

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 correspondence from Westchester County Planning Board and Director of Planning Kaufman regarding "Westchester 2025", the draft update of the County's land use policies.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, the designation of Councilman Geist as the Town's voting delegate at the Annual Business Session of the Association of Towns on February 20.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, authorization for Finance Director Donovan to make payment to Suburban Carting for the release of the monthly retainage for the year 2007.

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 Cheryl Beck, H. C. Crittenden Middle School, for HCC students to "adopt" MacDonald Avenue as a Site Based Team project; and Town Clerk Leber was directed to send a letter to Ms. Beck requesting the Board be updated once the plans are underway.

The roll call vote was as follows:

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

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, receipt of a police accident report on Police Officer Joel Thomas.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt and filing of the Town Clerk's report for the month of December, 2007.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be 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 Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the maintenance agreement for the traffic signal at Maple Avenue and Bedford Road with Verde Electric Maintenance Corp. for 2008 in the amount of \$1,500.

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 the Supervisor to sign a contract in the amount of \$5,800 with James W. Sewall Company to maintain the Town's digital tax maps in 2008.

The roll call vote was as follows:

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

Noes: None.

Upon the request of General Foreman Useted, Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a contract with Foley Services, Inc. for drug and alcohol testing

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, ratification of the Supervisor's signature on the Multi-Hazard Mitigation Planning Grant.

The roll call vote was as follows:

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

Noes: None.

Upon the request of General Foreman Useted, Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a contract in the amount of \$1,675 with WeatherWorks for weather consulting services for the year 2008.

The roll call vote was as follows:

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

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a Memorandum of Understanding with Westchester County for remote access services for land and legal records for the year 2008.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for terminal leave pay for Fred Coughlin, Highway Department.

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 Finance Director Donovan to attend the NYSGFOA Annual Conference in Albany on April 2 – 4, 2008.

The roll call vote was as follows:

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

Noes: None.

Resident Tony Futia inquired about his request to have his withholding tax discontinued. Councilman Geist said that outside attorney's opinion will be rendered at the next Town Board meeting.

Mr. Futia commented on his experience as a poll watcher during the Primary in New Hampshire yesterday.

The Town Board audited and approved payments totaling \$1,612,254.82 as indicated on Warrant #23.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:25 in memory of Barbara Greer's mother, Martha Fink; Beth Pollack's mother, Sarah Lubin; David Lander's father-in-law, Raymond Thompson; resident Marguerite Squires Scholl; and Kate Robbins, Director of Personnel, Byram Hills School District.

Ann Leber, Town Clerk

Dated: January 21, 2008

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RESOLUTION

Action: Special Use Permit Approval Extension of Time
Application Name: Sprint Spectrum L.P.
Owner/Applicant: Sprint Spectrum L.P.
Designation: Section 6, Block 8, Lot 69A
Zone: IND-A (Industrial A) District
Acreage: 1.1 acres
Location: 56 Lafayette Avenue
Date of Extension: January 9, 2008
Expiration Date: January 9, 2013 (5 years)

WHEREAS, the Applicant on June 22, 2002 received a Town Board special use permit to install 6 panel antennas on the rooftop of 56 Lafayette Avenue; and

WHEREAS, any special exception use permit granted by the Town has a term of five years, commencing from the grant of the special use permit, which term may, upon application to the Town Board, be extended for an additional five-year term; and

WHEREAS, the previously submitted application consisted of the following drawings generally entitled, **Marquis Building 56 Lafayette Ave. - Town of North Castle, NY 10603** prepared by Adoni Engineering, P.C., and having the following sheet numbers, sheet names and last revision dates:

<u>Sheet No.</u>	<u>Sheet Name</u>	<u>Revision Date</u>
T-1	<i>Cover Sheet</i>	5/15/01
SP-1	<i>Site Plan</i>	5/15/01
A-1	<i>North & East Elevations</i>	5/15/01
A-2	<i>South & West Elevations</i>	5/15/01
A-3	<i>Basement & Roof Plan</i>	5/15/01
A-4	<i>Antenna Mount and Cable Details</i>	4/12/01
A-5	<i>Structural Details</i>	5/15/01
SP-0	<i>Plot Plan</i>	5/15/01
SM-1	<i>Survey Map</i>	4/25/01

; and

WHEREAS, the 1.1-acre property is located in the IND-A (Industrial A) District and is designated on the Tax Maps of the Town of North Castles as Section 6, Block 8, Lot 69A; and

WHEREAS, the Planning Board in a November 27, 2007 letter to the Town Board recommended that the extension of time be granted; and

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed application; and

WHEREAS, the Applicant has previously demonstrated compliance with the applicable standards of Chapter 184, Telecommunication Facilities of the Town of North Castle Code; and

NOW, THEREFORE, BE IT RESOLVED, that the special permit extension of time is approved for an additional five (5) years, subject to the condition identified below; and

Condition:

- 1) Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.