

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 24, 2011

Supervisor Weaver called the meeting to order at 6:00 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 Attorney	Roland A. Baroni

Councilman John 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 7:35 p.m.

Councilman Roth moved, seconded by Councilman Schiliro, approval of the minutes of the meeting of May 11, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver.

Noes: None.

The minutes of the Public Hearing which commenced at 8:10 p.m. follow at the end of these minutes.

With regard to a letter from Assemblyman Robert Castelli regarding the condition of New York State roads within the Town, Supervisor Weaver reported that the State plans to repair sections of Route 22, but there are no funds in budget to do the work. He said that the State does not have plans to repair Route 128.

Supervisor Weaver said that he had contacted Werber Management asking for consideration of other options for their property at the Armonk Shopping Center. Werber Management said they were not interested in considering other options and planned to go ahead with their signed lease with CVS.

Several residents spoke with regard to the leasing of the Armonk Shopping Center property to CVS. In response to Barry Malvin’s request that a proposal offering be made to Werber Management, Mr. Weaver said that financial incentives had already been offered, but their attorney indicated that the Werbers did not want to discuss them. Dale Hisiger presented a proposal, which was sent to Supervisor Weaver on May 23, 2011, from The Concerned Citizens of Armonk. The proposal requested that the Board schedule a public hearing for June 8, 2011, to consider the adoption of local law to enact a six month moratorium temporarily prohibiting the processing of applications and the issuance of any building permits and/or certificates of occupancy for any retail or commercial use of 8,000 square feet of retail floor area space or greater in the Business District in the hamlet of Armonk. Supervisor Weaver said the proposal would have to be reviewed by the Town Attorney and Director of Planning. Keith Rosenthal spoke in support of the moratorium and asked the Board to support it. Linda Heath asked the Board to look at what is happening in other Towns and to consider a long term plan to prevent further changes like this in order to protect Armonk’s unique community.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an e-mail from Thomas Whyatt of Oxman, Tulis, Kirkpatrick, Whyatt et al. regarding the withdrawal of the special use permit application for 7 Round House Road as a result of the purchase of the property

by the Round House Round Neighborhood Limited Partnership from the applicant, North Castle Landscaping.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Eric Birnbaum, one of the members of the limited partnership, provided details regarding the purchase of the property which has a restrictive deed and therefore can never be used for commercial purposes, only for residential development. Nancy Birnbaum expressed concerns about properties on Banksville Avenue which could be developed and urged the Board to pay attention to and protect the Banksville community.

Councilman Kittredge moved, seconded by Councilman Schiliro, that the Planning Board be requested to review the Town Comprehensive Plan with respect to properties on Banksville Avenue.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Steven O'Connor commented that the Board is entrusted as the guardian of the community and needs to protect the quality and character of our Town; he asked that they move forward with careful consideration.

The request for the scheduling of public hearing for June 8, 2011 to consider the zoning petition of 99 Business Park Drive, LLC to permit Supermarket as a permitted principal special permit use in the PLI Zoning District was withdrawn by the applicant.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Notice of Claim from Louis Gaudio.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Roth 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:

<u>Property Owner</u>	<u>Refund</u>
Petrillo	\$ 1,134.23
Scanlon	697.84
Heimerdinger	136.54
Minassian	609.44
Atallah	1,620.93
Cassone	5,095.57
Weiss	682.68
Wagner	462.70
Weiss	1,465.41
Bank	886.06
Halloran	1,073.51
Ifshin	1,926.67
Summers	600.75
Tolz	599.24
Sorkin	151.70
Portman Rlty	420.40
Cholankeril	444.91
Labriola	364.09
Gressel	138.08
Cardone	232.01

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<u>Property Owner</u>	<u>Refund</u>
Chernoff	530.97
Schweitzer	592.51
Boyce	1,442.13
Jacobs	2,408.65
Kaplan	322.19
Hefferon	2,164.06
Anikstein	477.13
Kim	817.92
Berliner	817.92
Seelig	494.15
Mancini	1,022.40
Weiss	1,431.36
Cabrera	728.20
Altman	364.10
Silverbrand	446.24
Yorks	455.12
Katz	305.18
Balboni	237.02
Shayegaini	212.40
Kalian	440.16
Cavallerano	101.58
Hossain	778.74
Rosen	606.83
Brown	136.54
Katsumi	303.42
Gupta	60.69
Amicucci	1,517.07
Blum	1,744.63
Roth	515.81
Kottoor	304.72
Beinbacker	457.08
Krohnegold	1,642.10
DeBenedictis	2,166.89
Bruni	304.72
Bolen	1,709.81
Block	409.61
Cabrera	203.15
Monaco	338.58
Szlezinger	474.00
Kaufman	530.97
Perna	324.80
Mahagan	576.48
Speiser	743.35
Poulton	925.40
Munoz	536.96
Hasanaj	214.79
Levy	622.00
Vettoretti	368.20
Benz	1,212.00

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, authorization for Comptroller Gobeo to make payment No. 1 to A&R Electric, Inc. in connection with integration of a new well in Water District No. 2.

The roll call vote was as follows:

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

Councilman Roth moved, seconded by Councilman Schiliro, receipt of letter from A&R Electric, Inc. to Stearns & Wheler regarding claims which have not been resolved to the satisfaction of A&R Electric, Inc. in connection with waste water treatment plant nitrogen removal project, Contract No. 2.

The roll call vote was as follows:

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

Councilman Roth moved, seconded by Councilman Schiliro, receipt of letter from Stearns & Wheler to A&R Electric, Inc. in response to their letter.

The roll call vote was as follows:

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

Councilman Schiliro moved, seconded by Councilman Roth, receipt of letter from the Westchester County Planning Department regarding re-qualifying Westchester communities as an Urban County Consortium for Community Development Block Grant and HOME funds for fiscal years 2012-2014. The Town was advised that it would need to pass a resolution to opt out of the Consortium for the coming cycle. The Board took no action, and thereby allowed the automatic renewal provision to take place.

The roll call vote was as follows:

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

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of memo from Comptroller Gobeo regarding a mortgage tax update through April, 2011. The projection for April 2011 is \$54,000 which is up from \$31,000 for the same month last year. The total amount estimated mortgage tax for the year, which ends in September 2011, is \$422,000 versus the annual budgeted amount of \$600,000.

The roll call vote was as follows:

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

Ryan Coyne, Kellard Sessions Consulting, P.C., presented the annual MS4 Report, explaining that New York State requires municipalities to increase implementation of stormwater management to eliminate pollution into water bodies. The program calls for public education and outreach on stormwater impacts; public involvement/participation; illicit discharge detection and elimination; construction site stormwater runoff control; and pollution prevention/good housekeeping for municipal operations. Mr. Coyne said that in 2008 more restrictive requirements were added for areas in the watershed; and ten watershed communities received grant money for areas of high pollution. Supervisor Weaver said that the Board had recently adopted legislation requiring owners of properties within the New York City Croton or Kensico Reservoir Watersheds to have an inspection of their septic tank performed at least once every five years.

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign the Energize Collaboration and Transfer Agreement between the Town of Bedford and the Northern Westchester Energy Action Consortium (NWEAC), of which the Town is a member, in connection with grants to promote energy efficiency.

The roll call vote was as follows:

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

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an Inter-Municipal Agreement as a member of the East of Hudson (EOH) Coalition regarding MS4 stormwater retrofits, and to appoint Supervisor Weaver as Voting Representative to the EOH Coalition and Director of Planning Adam, Kaufman as Alternate Representative.

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 Westchester County District Attorney's office regarding a 2011 video recording grant which would enable the North Castle Police Department to videotape interviews in high profile crime cases. The Town will be reimbursed by the County for approved video recording equipment purchased.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an agreement with Westchester County Department of Correction to provide prisoner transportation for the period of January 1, 2011 to December 31, 2012.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance, with regret, of the resignation of Police Officer Anthony Patti from the North Castle Police Department, effective July 21, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, adoption of the 2011 Standard Work Day and Reporting Resolution for elected and appointed officials as required by the New York State Local Retirement System.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the following

- Receipt of Cablevision franchise fee payments for 1st quarter 2011 in the amounts of \$31,623 from Cablevision System, and \$7,930 from Southern Westchester System.

- Approval of the request by Assistant General Foreman, Norris, for release of bonds as follows: Verizon – Permits 850, 970 and 546 for street opening at various locations in the amount of \$4,044 to be reinstated to the \$100,000 bond.

Con Edison – Permits 736, 739, 506, 566, 514, 515, 580, 581, 583 and 600 for street opening at various locations in the amount of \$9,250 to be reinstated to the \$50,000 bond.

Robert Clementi – Permit 984 for street opening at 4 Yale Place, in the amount of \$750.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

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Councilman Kittredge moved, seconded by Councilman Roth, approval for Superintendent of Public Works, Richard Fon to attend the 2011 Highway School on June 6-8, 2011 at Ithaca College.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: None

The Town Board audited and approved payments totaling \$431,006.34 as indicated on Warrant #9.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:15 p.m. in memory of Virginia Jackson, Eugene Feeney, Alice Citty Foley, John Naclerio and Walter Ray Bell.

Anne Curran, Town Clerk

Dated: June 6, 2011

PUBLIC HEARING

May 24, 2011

At 8:10 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing which is attached to the end of these minutes to consider the map, plan and report relating to the extension of Water District No. 6 in the Quarry Heights area.

Dated: Armonk, NY

May 11, 2011

The map, plan and report prepared by Dolph Rotfeld Engineering, P.C. was marked Exhibit "A" for the record.

The Order calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "C" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "D" for the record.

The certified mail receipts denoting mailing to property owners was marked Exhibit "E" for the record.

Resident Gerardo DiFeo said he would like to have the water connection made to his property as soon as possible.

Supervisor Weaver said the Board will be voting tonight to extend the water district and then property owners who want to connect into the water supply will be able to do so.

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 Roth, that the Public Hearing be closed at 8:13p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver.

Noes: None.

Absent: Councilman Cronin.

Councilman Kittredge moved, seconded by Councilman Roth, the adoption of the Resolution, which follows at the end of these minutes, to extend the boundaries of Water District

No. 6 to include all properties listed as Exhibit “A” of the Resolution.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver.

Noes: None.

Absent: Councilman Cronin.

Anne Curran, Town Clerk

Dated: June 2, 2011

At a meeting of the Town Board of the Town of North Castle at Whippoorwill Hall, 19 Whippoorwill Road East, Armonk, New York in the Town of North Castle, Westchester County, New York, on the 11th day of May, 2011, at 7:30 p.m.

P R E S E N T:

Hon. William R. Weaver
Rebecca Kittredge
Michael Schiliro
Diane Roth
John Cronin

-----X
In the Matter of the Extension of

Water District No. 6 in the Town of North Castle,
Westchester County, New York, pursuant to Article 12
of the Town Law.

ORDER SETTING DATE
FOR PUBLIC HEARING

-----X
WHEREAS, a map, plan and report have been prepared by Dolph Rotfeld Engineering, P.C. in such manner and in such detail as has heretofore been determined by the Town Board relating to the extension of Water District No. 6 in the Quarry Heights area of the said Town, and
WHEREAS, said map, plan and report have been duly filed in the office of the Town Clerk of said Town, and

WHEREAS, said map, plan and report have been prepared by an engineer, duly licensed by the State of New York, showing the boundaries of the proposed extension and a general plan of the water system connection, and

WHEREAS, said map shows the laterals for the house connections and appurtenant facilities to be connected to the existing water mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as “Water District No. 6 Old Orchard Street Extension” are as follows:

SEE EXHIBIT A

WHEREAS, the improvements proposed are as set forth in the report, and

WHEREAS, the cost of the improvements, including professional fees, will be paid for by the extension area property owners, and

WHEREAS, the maximum amount proposed to be expended for said improvements, including professional and consulting fees, is Fifteen Thousand (\$15,000.00) Dollars, and

WHEREAS, said map and plan describing said improvements are on file in the Town Clerk’s office for public inspection during normal business hours.

NOW, on motion of Councilman Kittredge, seconded by Councilman Schiliro, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a public hearing at the North Castle Town Hall, 15 Bedford Road in said Town on the 24th day of May, 2011, at 7:30 p.m. in that day to consider said map, plan and report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to vote, and on a roll call the vote was as follows:

Hon. William R. Weaver	voting Aye
Rebecca Kittredge	voting Aye
Michael Schiliro	voting Aye
Diane Roth	voting Aye
John Cronin	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
May 11, 2011

EXHIBIT A

Last Name	First Name	No.	Street	Prop. Class	Sec/Blk/Lot	Acres	AV
NYC DEP Bureau of Water Supply		1	Memorial Lane	322	3/07/24.H	37.25	48,700
Sorrentino Vito		1497	Old Orchard Street	210	3/07/21.E01	0.76	10,700
White Willow LLC		1503	Old Orchard Street	250	3/07/27.A	7.92	100,000
Prisco John		1507	Old Orchard Street	210	3/07/24.A	0.09	6,200
Frost John		1509	Old Orchard Street	210	3/07/25.F01	0.19	3,600
DiFeo Gerardo		1511	Old Orchard Street	210	3/07/25	0.32	8,600
Czoch Kazimierz		1513	Old Orchard Street	210	3/07/26.A	0.50	4,300
County of West.		1515	Old Orchard Street	312	3/07/26		2,900
Okeefe Laura		1523	Old Orchard Street	210	3/07/27.-1	1.00	9,900
Martin John Edward		1549	Old Orchard Street	210	3/07/28	0.16	3,200
Martin John Edward		1549	Old Orchard Street	311	3/07/28.B01	0.08	400
DiVitto Sauro		1551	Old Orchard Street	210	3/07/28.A01	0.19	3,500
Martin Edward		1555	Old Orchard Street	220	3/07/28.A	0.19	6,200
Tsavalas Tina		1573	Old Orchard Street	210	3/07/30	0.35	11,000
Moreno Luis		1	William Street	311	3/07/21.L	0.19	800
Czoch Kazimierz		2	William Street	210	3/07/21.C	0.36	8,800
Griffen Thomas		4	William Street	210	3/07/21.A	0.21	8,500
County of West.		1547	Old Orchard Street	962	1/07/27		7,700
Town of North Castle		1571	Old Orchard Street	963	3/07/29		9,300

At a meeting of the Town Board of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York on the 24th day of May, 2011, at 7:30 P.M.

RESOLUTION TO EXTEND WATER DISTRICT NO. 6

WHEREAS, a Map, Plan & Report has been prepared by Dolph Rotfeld Engineering, P.C. dated April 11, 2011, for the extension of Water District No. 6 of the Town of North Castle, New York and was duly presented to the Town Board at its request; and

WHEREAS, an Order was duly adopted by the Town Board on May 11, 2011, reciting the filing of said Map, Plan & Report, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying May 24, 2011, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the matter and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 24th day of May, 2011, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman Kittredge, seconded by Councilman Roth, it is

RESOLVED AND DETERMINED, that (a) the Order and Notice of Hearing was published and posted as required by law and is otherwise sufficient pursuant to Article 12A of Town Law; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Water District No. 6 as proposed be approved; that such extension be designated as Water District No. 6 "Old Orchard Street Extension"; that the improvements to be constructed therein mentioned be constructed at

the sole cost and expense of the extension area property owners including engineering and legal fees, and such extension be bounded and described as set forth in **Exhibit A** attached hereto; and it is further

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:	Vote:
Councilman Kittredge	Aye
Councilman Schiliro	Aye
Councilman Roth	Aye
Councilman Cronin	Absent
Supervisor Weaver	Aye

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF NORTH CASTLE

I, ANNE CURRAN, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 24TH day of May, 2011.

Anne Curran, Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 24th day of May in the year 2011 before me, the undersigned personally appeared ANNE CURRAN, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT A

Last Name	First Name	No.	Street	Prop. Class	Sec/Blk/Lot	Acres	AV
NYC DEP Bureau of Water Supply		1	Memorial Lane	322	3/07/24.H	37.25	48,700
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