

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
November 30, 2011

Supervisor Weaver called the meeting to order at 5:00 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into a work session which was then adjourned into executive session at 5:00 p.m., which was then closed at 6:20 p.m. The regular meeting was reconvened at 7:40 p.m.

With regard to the scheduling a public hearing on December 14, 2011 to consider a local law to streamline the Town wetlands code and provide for a new administrative review and method of approval for minor projects, Supervisor Weaver said that the proposed legislation was discussed at a work session prior to tonight’s meeting. Mr. Weaver said that since the Town has not received a report from F.P. Clark, the hearing will not be scheduled, and the item is tabled.

With regard to the scheduling of a public hearing for December 14, 2011 to consider regulations that would amend various zoning provisions along Banksville Avenue within the hamlet of Banksville, Supervisor Weaver said that since the Town has not received a report from F.P. Clark, the hearing will not be scheduled, and the item is tabled.

With regard to the scheduling of a public hearing for December 14, 2011 to consider a new Hamlet Overlay Zone addressing hamlet design provisions and regulations pertaining to formula businesses, Supervisor Weaver said that since the Town has not received a report from F.P. Clark, the hearing will not be scheduled, and the item is tabled.

Councilman Schiliro moved, seconded by Councilman Roth, approval of the minutes of the October 26, 2011 and November 9, 2011 meetings.

The roll call vote was as follows:
Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

The minutes of the Public Hearings which commenced at 7:57 p.m. follow at the end of these minutes.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a Certificate of Achievement for Excellence in Financial Reporting, for the fiscal year ended December 31, 2010, presented to the Town from the Government Finance Officers Association, for comprehensive annual financial reports (CAFRs).

The roll call vote was as follows:
Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a Notice of Westchester County Industrial Development Agency Project Summary regarding the Engel Burman at Armonk, LLC proposed construction of an assisted living facility at 90 Business Park Drive.

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The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of memo from Conservation Board Chairman John Fava regarding its recommendation for approval of the wetlands permit application from NYCDEP for open water and wetlands mitigation at the former Armonk Bowling Alley site, and further moved the scheduling of a public hearing for December 14, 2011.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an Article 78 proceeding from 37 Maple Avenue L.L.C. regarding the Market at Armonk Square, and referral to the Town Attorney.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Veneziano & Associates regarding the Article 78 proceeding concerning the Market at Armonk Square.

The roll call vote was as follows:

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

Noes: None

Upon the request of the applicant, receipt of a letter from Veneziano and Associates regarding the Cockren property and request for discussion regarding a model ordinance to implement the Westchester County affordable housing program was tabled until the January 11, 2012 meeting.

The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of petition from Adopt-a-Dog, Inc. requesting a zoning text amendment to add and regulate a new special permit use of animal welfare and rescue facility within the R-1A zoning district, and further moved referral to the Planning Board for study and report.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of the request from Assistant Superintendent Sal Misiti to award the bid for Sewer District No. 2 sludge hauling and disposal to the low bidder, Spectraserve, Inc., in the amount of .106 cents per gallon, and \$636 per 6,000 gallon load.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of request from Assistant Superintendent Misiti, to proceed with a study involving a computer model of the water distribution system in Water District No. 2 to determine its weak points, at a cost of \$18,900.

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The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval to award a new water supply well exploration project in Water District #4 to Aquifer Drilling & Testing, Inc. for a total cost of \$31,085 for the three test wells.

The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, approved the request of Assistant General Foreman Jamie Norris to award the bid for an automated salt wash system to the sole bidder, Stanton Tire Washes of Ivyland, PA, in the amount of \$49,200, and the approval of associated costs of \$15,800 to be provided by the Town for electric and materials.

The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Town Attorney to proceed with an appraisal of the Anita Louise Erhman pool property by Valuation Plus in the amount of \$2,500.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, authorization for payment in the amount of \$38.29 for the Town's share of East of Hudson's (EOH) Coalition for legal services to implement the MS4 Stormwater Retrofit Program.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Kellard Sessions Consulting, Councilman Roth moved, seconded by Councilman Kittredge, authorization to pay \$181,968.72 for Requisition #1 to Bilotta Construction Corp. for work completed to repair town roadways through the period October 31, 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

A letter from NYS DEC granting its approval of the Engineering Report for Capacity Evaluation of Wastewater Treatment Plant, Sewer District No. 2, which concluded that the Town's Wastewater Treatment Plant is capable of accepting and treating a monthly average design flow from 0.45 MGD to 0.50 MGD was received on the duly adopted motion of Supervisor Weaver.

Supervisor Weaver asked Town Clerk Anne Curran to recap the Communications Committee update she prepared. Ms. Curran gave a recap of items addressed by the Committee over the past several months including:

- Video Playback and Indexed Town Board and Planning Board meetings available on demand.
- Review of proposed upgrades to the Town Hall meeting room including improved lighting and audio equipment and enhanced presentation equipment which will be integrated into the video playback system. The equipment will cost approximately \$20k and will be funded by (PEG) grant money received from Verizon and Cablevision when cable franchise agreements were negotiated.

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- Improving Communications through the hourly employment of Fran Davies, for 12-14 hours per month, to provide consistency and branding of Town messaging.
- Video Programming which included the production of several videos this year, including a Recreation and Parks video.
- Committee Membership, including the announcements at the November Committee meeting from Anne Curran and Steve Russell that they will step down as Co-Chairs at the end of the year.

Councilman Kittredge moved, seconded by Councilman Roth, approval of request of Assessor Anna Maria Marrone to dispose of the 1998 Chevy Malibu Town vehicle and that the car be brought to Brookfield Auto and sold as is, as recommended by Assistant General Foreman Norris.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for 155 Lafayette Avenue Corp., North White Plains, Councilman Kittredge moved, seconded by Councilman Roth, authorization to issue a refund in the amount of \$626.66.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for Benfield Electric Company, 25 Lafayette Avenue, North White Plains, Councilman Kittredge moved, seconded by Councilman Roth, authorization to issue a refund in the amount of \$16,069.68.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of letter from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

<u>Name</u>	<u>Parcel I.D.</u>	<u>Refund</u>
Rutigliano	1-05-31.-6	\$1,173.56
Monastra	1-11-1	282.17
Simens	2-02-3.D-14	773.70
Fedida	2-05-2.D-7	555.24
Hasselgren	2-07-1.-7	<u>175.98</u>
Total		\$2,960.65

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Town's Attorneys to execute Consent Judgments in the following matters:

- Lambert vs. Town of North Castle – Index No. 25216/10
- White Willow, LLC vs. Town of North Castle – Index No. 08922/08

The roll call was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of the permit application submitted by Asad Gilani for use of Town property for a holiday display at Wampus Brook Park.

The roll call vote was as follows:

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

Councilman Roth moved, seconded by Councilman Kittredge, receipt of North Castle Police Department study by David Grove.

The roll call vote was as follows:

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

Councilman Schiliro moved, seconded by Councilman Roth, approval of a budget transfer:

From: 1650 .0434 Codification To: A1410 .0211 Equip Office Furniture

Town Clerk Curran requested this for the installation of new carpet, removal of old carpet in the Town Clerk's Office and the hallway to Supervisor Office and Finance Department, and replacement of furniture, at the low bid amount of \$5,150.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign the agreement with SPCA of Westchester for year 2012 in the amount of \$4,919.74.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Supervisor Weaver moved, seconded by Councilman Kittredge, the appointment of Jamie Norris to General Foreman, Highway, effective December 1, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Weaver
Noes: Councilmen Roth, Cronin

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance, with regret, of letter of retirement from Assessor Anna Maria Marrone, effective December 31, 2011.

The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, the following items on the consensus agenda:

- Receipt of Verizon franchise fee payments for 3rd quarter 2011 in the amount of \$20,076.84.
- Receipt of petition from Assessor Marrone regarding the Glendale Avenue subdivision.
- Approval of request of Assistant General Foreman Norris for release of bond to Vito Foto, Permit 0520 for driveway alteration at 1 Redbrooke Place, in the amount of \$500.
- Receipt of Notices of Claim against the Town and referral to the Town Attorney for the following:
 - 1) Kenneth Fliegel; 2) Deborah Lazarus; 3) Louise Gantress
- Receipt of 2012 Budget for Fire District No. 2.
- Receipt of e-mail from resident commending Highway employee Sal DeVito.
- Receipt of letter from Maria Baratta, Girl Scout Gold Award recipient.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a letter from Nina Dunlavey, Sullivan Architecture, regarding costs of the Armonk Design Reference Manual.

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The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, approval of the request for carpet replacement in the Court offices, Town Hall main corridor, Town Clerk offices and the hallway to the Finance Department at a total cost of \$9,950. The cost for the carpet for the Court offices in the amount of approximately \$5,000 will be covered by funds from a NYS Justice Court Assistance grant; the cost for the remaining areas will be covered through a transfer of funds within the Town Clerk budget.

The Town Board audited and approved payments totaling \$631,999.15 as indicated on Warrant #20.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:00 p.m. in memory of the following residents: Rose DeMarco, sister of Carlo DeMarco, George Groves, Anthony Caponera, Louis Coppola and Marie Worden.

Anne Curran, Town Clerk

Dated: December 9, 2011

PUBLIC HEARING

November 30, 2011

At 7:57 p.m., Supervisor Weaver stated that Public Hearings 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 2012 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 Town Hall, 15 Bedford Road, Armonk, NY, on November 30, 2011 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	\$105,000
Four Town Council Members	\$ 72,544
Town Clerk	\$ 92,000

By Order of the Town Board
Town of North Castle, NY
Anne Curran, Town Clerk

Dated: November 18, 2011
Armonk, NY

NOTICE IS HEREBY GIVEN that the Preliminary Budgets for the year 2012 have been completed for Sewer District Nos. 1, 1B, 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 the 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, NY, has been assessed the amount of estimated expenditures for Sewer District Nos. 1, 1B, 2, 3, 4 and 5 for the year 2011 less the estimated revenues as set forth in proportion as nearly as may be to the

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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 November 30, 2011 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 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, NY
Anne Curran, Town Clerk

Dated: November 18, 2011
Armonk, NY

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

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

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

The 2012 Preliminary Budget was marked as Exhibit "D" for the record.

Using a Powerpoint presentation, Budget and Financial Review Task Force member, Larry Ruisi, gave an overview of the 2012 Preliminary Budget. The following points were presented based on the General, Highway & Library Funds 2012 preliminary figures versus the 2011 adopted budget:

- Expenses for 2012 are increased by 2.08% with a modest increase of 3.1% in revenue. Real property taxes have been increased by 1.8% while the assessed valuation has declined by .4%. This drop is due to the declining value of real estate and no major new development in progress.
- In looking at 2012 expenses, significant increases are budgeted for NYS pension contributions (20%); health insurance (6%) and worker's compensation (20%). Decreases salaries and overtime and reductions in the Town's workforce resulted in a savings of \$182k.
- Budgeted revenues are increased for mortgage taxes (\$100k) and sales taxes (\$75k).
- Based on these changes, the Town Tax Rate would increase by 2.23%.
- A large part of the increase is due to non-controllable expenses, particularly NYS pension and health insurance costs.
- There are several matters under consideration, including budgeting for a Town Administrator and a final review of revenue and expenses.

Mr. Ruisi emphasized that numbers in the 2012 Preliminary Budget will continue to change over the next two weeks while everyone continues to work to get the budget as low as possible.

In response to a question from resident Lydia Rippstein, concerning what can be done to get the State to control mandated expenses, Supervisor Weaver expressed concern that Albany would have to vote to change the way pension contributions are funded.

Councilman Schiliro explained that the NYS pension system is part of the State Constitution and can only be changed at a Constitutional Convention that happens every 20 years, with the next one occurring in 2017. A positive improvement would be for NYS to require pension contributions beyond 10 years of service, but this would have to be addressed as part of a

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constitutional effort. Mr. Schiliro added that the Town's labor pool has been reduced by 20% over the past few years and everyone is doing more and working with less.

Supervisor Weaver thanked the Budget and Financial Review Task Force for the enormous amount of time and expertise that the group has invested in the budget review and projections to guide the Town Board. He added that the focus has been to reduce staff while making workers more efficient so that taxes can be kept to the absolute minimum.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, the Public Hearing was adjourned at 8:20 p.m on the duly adopted motion of Supervisor Weaver.

Anne Curran, Town Clerk

Dated: December 12, 2011

PUBLIC HEARING

November 30, 2011

At 8:20 p.m. Supervisor Weaver 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 30, 2011, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the adoption of a local law to override the tax levy limit established in General Municipal Law 3-c.

The proposed local law is available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: November 18, 2011
Armonk, NY

The Public Notice 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 proposed local law.

Supervisor Weaver said that the adoption of the law to override the 2% tax levy limit is being considered in case the Town has to exceed the limit imposed by NYS when it adopts the Town and Special District budgets at the next Town Board meeting. Mr. Weaver said that municipalities are allowed to exceed the cap by a majority vote by the Board.

The Supervisor said that right now the Preliminary Budget is under the 2% tax cap, while presenting a 2.2% tax increase. He said that there is a complicated formula for calculating the tax levy limit for each Town and North Castle would be required to stay within the cap of \$416,215. Passing the local law is only a precautionary measure should the increase exceed the limit imposed by the State.

In response to an inquiry from Lydia Rippstein, School Street, Mr. Weaver explained that the levy is the amount of revenue which the Town will collect through taxes.

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 8:50 p.m.

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The roll call vote was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, adoption of Local Law 10 of the year 2011 to override the tax levy limit established in General Municipal Law 3-c.

The roll call vote was as follows:

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

The local law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: December 9, 2011

TOWN OF NORTH CASTLE

LOCAL LAW NO. 10 FOR THE YEAR 2011 (Adopted November 30, 2011)

A Local Law to override the tax levy limit established in General Municipal Law 3-c.

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of North Castle, County of Westchester pursuant to General Municipal Law Section 3-c, and to allow the Town of North Castle, County of Westchester to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the town board for the fiscal year 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Effective Date

This local law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.