

Town Board Minutes
Town of North Castle
Whippoorwill Hall
19 Whippoorwill Road East
Armonk, New York
on
May 11, 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
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:20 p.m. The regular meeting was reconvened at 7:45 p.m.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the April 27, 2011 Town Board meeting.

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 8:35 p.m. follow at the end of these minutes.

During the Public Comment period, Julie DeFillipo presented the Town Board with a copy of a petition signed by residents and individuals who work and shop in Armonk that are opposed to CVS opening a store in the Armonk hamlet. The petition was dated May 4, 2011 and addressed to Sam Martin, CEO A&P; Larry Merlo CEO CVS; William Weaver, North Castle Supervisor; Martin Werber, Werber Management.

Upon receipt of a letter from Mark Miller of Veneziano & Associates requesting that the public hearing on 90 Business Park be rescheduled, Councilman Roth moved and Councilman Schiliro seconded, that the public hearing to consider (1) the adoption of a local law to amend Town Code to allow assisted living communities as a special permit use in the PLI Zoning District and (2) an amendment to the Town Comprehensive Plan to permit a greater mix of uses in the PLI Zoning District, be rescheduled to June 8, 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 a letter from John Richard Tesone, Owner/Director of Breezemont Day Camp. The letter, read aloud by Town Clerk Curran, stated he has no intention to sell the camp. Mr. Tesone referred to Anthony Futia's comments at the April 27, 2011 Town Board meeting re: speculation that several properties in Armonk might be sold to a developer, one of which was the Breezemont property. Mr. Tesone wished to assure the Town that he takes pride in what he does for the children at the camp and that the unfounded rumors about selling the property should stop.

The roll call vote was as follows:

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

Noes: None

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Councilman Kittredge moved, seconded by Councilman Cronin, receipt of letter from Veneziano & Associates, granting a further extension, through May 24, 2011, for the Board to render a decision on the special use permit application for 7 Round House Road.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of Order setting May 24, 2011 as the date for a public hearing for the Water District No. 6 Extension.

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 letter from Westchester County Industrial Development Agency, regarding notification of its intention to provide financial assistance to a project for the benefit of the Amkai, LLC located at 200 Business Park Drive. The Agency will provide financial assistance solely in the form of exemptions from sales and use tax on equipment for use by the Company, and will not grant exemptions or relief from taxation under Real Property Tax Law.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, receipt of a copy of a letter from Assemblyman Robert Castelli to NYS Dept. of Transportation Commissioner McDonald, regarding road conditions and the need to expedite pothole repairs on NYS roadways prior to the May 1st deadline for small claims against the State.

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 the Town Clerk's monthly report for the month of April 2011.

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 Sales Tax Report from Comptroller Diane Jacobson for First Quarter, 2011.

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 the Annual Financial Update Document for North Castle South Fire District No. 1 for fiscal year ended December 31, 2010.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, approval for the Supervisor to sign agreement with Kellard Sessions Consulting for professional engineering services for the preparation of specifications for proposed improvements of various Town owned roadways for a cost not to exceed \$15,000. Supervisor Weaver said that this is a Pavement Management

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Services program to allow the Town to evaluate road conditions and concentrate on repairs in order of priority while addressing underlying causes such as drainage needs.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge, seconded by Councilman Roth, approval for the Supervisor to sign agreement with Kellard Sessions Consulting for professional services for the preparation of streetscape designs for the proposed improvements of Old Route 22 at a cost not to exceed \$15,000.00. The engineering consulting to be provided includes preparation of a base map, improved design plans, on street parking, curbing, drainage, landscaping, lighting and sidewalk improvements.

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 probationary appointment of Dawn Gobeo to the position of Town Comptroller, effective May 9, 2011 at the budgeted salary.

The roll call vote was as follows:

Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, the formation of the Hamlet Design Study Committee and appointment of the following members to serve at the pleasure of the Town Board: Susan Geffen, Karen Gordon, Jane Black, Beata Buhl Tatka, Planning Director Adam Kaufman and Kellard Sessions Representative Ryan Coyne. This group will work with Sullivan Architecture Design Company.

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 for Police Chief D'Angelo to attend the 2011 NYS Annual Training Conference in Lake Placid, July 17-20.

The roll call vote was as follows:

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

Noes: None

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

- Request from Armonk Lions Club for use of Wampus Book Park June 9-12, 2011 for the Fol-de-Rol, with access for set up as of June 1, 2011.
- Receipt of Workers Compensation Reports for Highway Department employees.
- Approval of the request of Assistant General Foreman Norris for release of bonds to:
 - (1) Con Edison – Permits 0735 and 0937 for street openings at various locations, in the amount of \$2,000 to be reinstated to the \$50,000 bond, and
 - (2) GCJ Construction – Permit 1017 for driveway alteration at 32 Windmill Road, in the amount of \$500.

The roll call vote was as follows:

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

Noes: None

Pursuant to recommendations by Comptroller Gobeo, Councilman Roth moved, seconded by Councilman Schiliro, approval to:

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- 1) Amend the Town's investment policy, to increase the maximum amount of funds on deposit for all banks listed on the Town's depository list from \$25 million to \$35 million which will enable the Town to receive the highest interest rate possible, and,
- 2) Change the name of the Town Comptroller listed on the Certificate of Authorized Persons to Dawn H. Gobeo.

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 the following resolution placing Anthony Futia on administrative leave:

WHEREAS, Anthony Futia has submitted his resignation from employment to be effective June 30, 2011, which is in compliance with the Westchester County Civil Service Rules and Regulations (specifically Rule 17); and,

WHEREAS, the Town is in the process of consolidating the administration of highway, water, wastewater, vehicle maintenance, and parks into a centralized department of public works; and,

WHEREAS, the Town Board finds that it is a common practice for a managerial employee to be placed on "administrative leave" with full pay and benefits for the few weeks leading up to the employee's resignation date so as to facilitate the transition to a new administration; now, therefore be it

RESOLVED, that Anthony Futia is hereby placed on "administrative leave" with full pay and benefits for the period May 13, 2011 through June 30, 2011; and,

BE IT FURTHER RESOLVED, that during said administrative leave, Mr. Futia is not to report to work or perform any of the duties or responsibilities of the position; however, it is understood that Mr. Futia may be asked to provide information to the new administration pertaining to the operations of the water and wastewater unit.

The roll call vote was as follows:

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

Noes: Councilman Cronin.

The Town Board audited and approved payments totaling \$ 393,053.74 as indicated on Warrant #8.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:20 p.m. in memory of former residents Frank Spinelli, Judith Nash Hartley, Robert Gladman and Sheree Senita Strong, and Sue (Woon Sook) Chon, former owner for the past five years of Cherry Blossom Farm.

Anne Curran, Town Clerk

Dated: May 20, 2011

PUBLIC HEARING

May 11, 2011

At 8:35 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 May 11, 2011, at 7:30 p.m., or as soon thereafter, at Whippoorwill Hall, 19 Whippoorwill Road

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East, 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 7 entitled “Architectural Review Board”, Section 7-2 entitled “Membership and organization” to reduce the number of required Board members from seven to five.

Dated: April 30, 2011
Armonk, New York

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.

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 8:35 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, adoption of Local Law 4 of the year 2011, to amend Chapter 7 entitled “Architectural Review Board”, Section 7-2 entitled “Membership and Organization” to reduce the number of required Board members from seven to five.

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: May 12, 2011

TOWN OF NORTH CASTLE

Local Law No. 4 for the Year 2011
(Adopted May 11, 2011)

A Local Law to amend Chapter 7 entitled Architectural Review Board of the Code of the Town of North Castle.

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

1. Section 7.2 Membership and Organization, Paragraphs A and E are hereby amended in part to read as follows:

- A. The ARB shall be appointed by the Town Board of the Town of North Castle and shall consist of five members, all of whom shall be residents of the Town of North Castle. No member of the ARB shall be an officer or employee of the Town of North Castle. The term of office shall be three years, with expirations of terms to occur according to the rotation established by former Chapter 7. Members shall serve without compensation. Vacancies shall be filled by the Town Board for unexpired terms of any members whose positions on the ARB shall become vacant.

- E. Three members of the ARB shall constitute a quorum for the transaction of business. The ARB shall operate under such rules and regulations as it may adopt insofar as they do not supersede any requirements of this chapter and insofar as they guarantee due process to any applicant. The ARB shall schedule meetings at regular intervals no less frequently than once monthly and in accordance with all provisions of the New York State Open Meetings Law, with the proviso that no meeting shall be required if no cases have been placed on the agenda as of five business days prior to the scheduled meeting start. Please note specific cut-off dates for submission of the minimum required ARB Submission Documents prior to the actual meeting of the ARB. Submission documents received after a specific cut-off date will be scheduled for the next following meeting of the ARB. Please also note that meeting agendas often fill up quickly. If a regularly scheduled meeting agenda is full, subsequent applicants will be accepted for appearance at the next scheduled ARB meeting. Any questions concerning matters involving the ARB should be directed to the Board Secretary.

2. Effective Date. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

PUBLIC HEARING

May 11, 2011

At 8:36 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 May 11, 2011 at 7:30 PM, 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 204 entitled "Water" Article I entitled Water District No. 1, Section 48 entitled "Water Rates" to increase the water rate as follows:

Residential Rate:

A minimum rate of \$25 per quarter for the first 4,250 gallons of water

First- 4,250 - 15,000 gallons @\$5.90 per 1000 gallons

Next- 15,000-25,000 gallons @\$6.00 per 1000 gallons

Next- 25,000-40,000 gallons @\$6.10 per 1000 gallons

Next- 40,000 gallons & above @\$6.25 per 1000 gallons

Commercial Rate:

A minimum rate of \$25 per quarter for the first 4,000 gallons of water

First- 4,000 - 12,500 gallons @\$6.25 per 1000 gallons

Next- 12,500-22,000 gallons @\$6.75 per 1000 gallons

Next- 22,000-40,000 gallons @\$7.00 per 1000 gallons

Next- 40,000 gallons & above @\$7.25 per 1000 gallons

Dated: April 27, 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.

A memo from Assistant Superintendent Sal Misiti dated April 7, 2011, and presentation prepared by Assistant Superintendent Misiti were marked Exhibit "D" for the record.

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Assistant Superintendent Sal Misiti gave a presentation which provided details regarding the proposed water rate increase in Water District No. 1. Summary points of the presentation included:

- The source of drinking water for Water District No.1 is from a well on South Kensico Avenue in Valhalla, which currently is capable of delivering 25% of the District drinking water. The remaining portion is purchased from the NYC Kensico Supply.
- The water taking agreement with the NYC Water Board requires payment for all water used and an additional charge for usage in excess of the NYC agreement. This excess per capita charge is calculated by NYC relative to the population of the District. The Water Board agreement only considers residential population of the District; no commercial use is part of the excess calculation.
- The increased purchasing costs along with the District's depleting supply capabilities make it necessary to increase the water rate in Water District No.1. Last year there was a deficit in the water revenue line.
- There are 583 residential accounts and 107 commercial accounts, with the commercial accounts using more of the water. The high commercial usage in North White Plains is forcing the excess per capita costs up, thereby increasing the monthly per capita charge which becomes a burden to the entire District rather than to the properties which are actually using the water.
- Based upon the escalating per capita costs, a fair rate increase, with a separate progressive rate structure for residential and commercial properties, is being proposed based upon levels and type of usage. An analysis shows that the new rate structure would have a slight impact on the residents, and more of an impact on the commercial users.

In response to Supervisor Weaver's query about water usage by Metro North, Mr. Misiti said Metro North is the largest water user in the District and they would be carrying the bulk of the District's water rate increase. He said other businesses, including car washes, also have high water usage.

Mr. Misiti said that steps are being taken to help reduce excessive water costs in the District including planned rehabilitation on the Valhalla well to obtain a better yield; possible upward readjustment of residential population number to allow taking more water without penalty; and performance of leak studies. He said the cost of the rehabilitation work would be \$10,000, which would be much less costly than a new well.

Councilman Schiliro asked if an engineer should be consulted to determine the cost benefit of the well rehabilitation work. Mr. Misiti said that the monthly overage cost currently being paid is \$10,000.

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 Schiliro, that the Public Hearing be closed at 8:55 p.m.

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 5 of the year 2011, to amend Chapter 204 entitled "Water", Article I entitled "Water District No.1", Section 48 entitled "Water Rates" to increase the water rates.

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: May 23, 2011

*Subsequent to publication of Legal Notice, meeting location was changed to Whippoorwill Hall, 19 Whippoorwill Road, Armonk, NY.

TOWN OF NORTH CASTLE

Local Law No. 5 for the Year 2011
(Adopted May 11, 2011)

A Local Law to amend chapter 204 entitled WATER of the Code of the Town of North Castle.

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

1. Section 204-48 Water Rates, Paragraph A is hereby amended to read as follows:

Residential Rate Table
Up to 4,250 gals - minimum of \$25.00

Gallons	Rate per 1000 gallons
<i>First</i> - 4,250 - 15,000	\$5.90
<i>Next</i> - 15,000 - 25,000	\$6.00
<i>Next</i> - 25,000 - 40,000	\$6.10
<i>Next</i> - 40,000 & over	\$6.25

Commercial Rate Table
Up to 4,000 gals - minimum of \$25.00

Gallons	Rate per 1000 gallons
<i>First</i> - 4,000 - 12,500	\$6.25
<i>Next</i> - 12,500 - 22,000	\$6.75
<i>Next</i> - 22,000 - 40,000	\$7.00
<i>Next</i> - 40,000 & over	\$7.25

2. Effective Date. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.