

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
June 22, 2011

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

Supervisor	William R. Weaver
Councilmen:	Michael J. Schiliro
	Diane Roth
	John J. Cronin

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

Councilman Rebecca A. Kittredge was absent.

The meeting was immediately adjourned into a work session regarding Long Pond Dam.

The work session was 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 June 8, 2011 meeting.

The roll call vote was as follows:

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

Noes: None.

Supervisor Weaver presented plaques to the following Girls and Boys Staters in recognition of their distinguished achievement and participation in the program, sponsored by the American Legion Post 1097, which provides Byram Hills High School students the opportunity to study the practice of democratic principals and governmental affairs: Theresa Carthy, Chloe Zung, Connor Berlin, Eli Brodlie and Andrew Murphy. Chloe Zung was selected as one of only 98 participants in the 63rd American Legion Auxiliary Girls Nation in Washington D.C.

Councilman Roth moved, seconded by Councilman Cronin, approval for the Friends of the North Castle Public Library to use North Castle Community Park for the 50<sup>th</sup> annual Armonk Outdoor Art Show on September 24 and 25, 2011 and display a sign at the eagle promoting the event; and further moved approval for the Friends road race in Town on September 18, 2011 from 9:00 a.m. - 12:00 noon, pursuant to Police Department guidelines.

The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

In response to requests at the June 8, 2011 meeting for the Board to hold a public work session to discuss the economic viability of Armonk, Supervisor Weaver proposed that F.P. Clark, an independent planning consultant, provide the Town with a proposal for a study of formula businesses in all three hamlets.

Councilman Roth recommended that in addition to working with F.P. Clark, Director of Planning Kaufman obtain input from any interested legal representatives of The Concerned Citizens of Armonk and of the Armonk Square development.

Supervisor Weaver moved, seconded by Councilman Schiliro, approval to engage F.P. Clark Associates to prepare a proposal for a study of formula businesses and their financial impact on the Town's future and how the Town Code might be amended to make it more difficult for formula businesses to operate in the Town.

The roll call vote was as follows:

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Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Cronin, receipt of a letter from P. Daniel Hollis, III of Shamberg Marwell, et al., representing the DiPietro Construction Corp. application for special use permit application at 20 Banksville Ave., expressing opposition to the public petitions for possible rezoning/upzoning of the Banksville hamlet.

The roll call vote was as follows:

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

Noes: None.

Supervisor Weaver suggested that F.P. Clark could provide a proposal for a zoning study in the Banksville area. Mr. Hollis said he would be interested in a study if there was willingness on both sides to participate and reach a middle ground, including the recognition of General Business as a permitted use on the 20 Banksville Avenue site and discussion on how to incorporate that presence.

Town Attorney Baroni said the Board would be asking F.P. Clark to update their proposal from 2009. In response to an inquiry from Councilman Schiliro regarding whether the scope of the work was predetermined, Director of Planning Kaufman said it was not.

Supervisor Weaver moved, seconded by Councilman Roth, approval to engage F.P. Clark Associates to prepare a proposal for a study of the General Business zoning in Banksville with the scope of the study to be determined by the Board.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a memo from John Kellard, P.E., Consulting Town Engineer, recommending that the Town proceed with preparing a formal agreement for pavement management services, including the creation of ArcMap pavement Architecture. VHB was the only firm to submit a proposal. Per Mr. Kellard, this single bid may be due to the specialized service requested which is not readily performed by most engineering firms.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, approval of request by the applicant to reschedule a public hearing to consider a zoning petition submitted by 99 Business Park Drive, LLC to permit a supermarket as a permitted principal special use within the PLI zoning district; and further moved the scheduling of the public hearing to August 17, 2011, conditioned upon the applicant completing the required environmental studies by the July 27, 2011 Town Board meeting.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Mark Weingarten, DelBello Donnellan Weingarten, et al, appeared before the Board regarding the zoning petition from Brynwood Partners LLC for amendments to the zoning code for a proposed residential community at Brynwood Golf & Country Club, 568 Bedford Road. Mr. Weingarten provided an overview of the proposed community, followed by a presentation by Jim Tinson of Hart Hoverton.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of the zoning petition from Brynwood LLC for a proposed residential community, and further moved that the matter be referred to the Planning Board for its study and report, with the recommendation that the Planning Board act as Lead Agency.

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The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Anthony Veneziano, Veneziano & Associates, appeared before the Board regarding the zoning petition for the Armonk Square property for amendments to the zoning code and special permit approval in order to provide a grocery store at the site.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of the zoning petition for a proposed grocery store at Armonk Square, and further moved that the Town Board declare its intent to act as Lead Agency.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of memo and draft local law from Director of Planning Kaufman regarding the establishment of project review escrow accounts, and further moved the scheduling of a public hearing for July 13, 2011. (Note: public hearing date was amended to July 27, 2011.)

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Cronin moved, seconded by Councilman Roth, receipt of memo and draft local law from Director of Planning Kaufman, to prohibit off-street parking in front yard setback in certain residential zoning districts, and further moved the scheduling of a public hearing for July 27, 2011.

The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

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

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Town Clerk Curran presented a brief update concerning initiatives recommended by the Communications Committee, including the following:

### 1) Wireless Internet Access in Meeting Rooms:

The installation of wireless equipment in the Town Hall meeting room and at Hergenhan Recreation Center to provide internet access with pass code protection is recommended. This will allow presenters internet access for meetings as well as support the indexing of Planning Board agendas for web streaming.

### 2) Meeting Room Evaluation and Upgrading:

In recognition of inferior quality of sound, lighting and projection of presentations in the Town Hall meeting room, it is recommended that Copen & Lind, cable access consultants, survey and provide specifications for improvements to the room, selection of equipment and integration to enhanced computer technologies of our cable TV operation.

### 3) Improving Electronic Communications:

The Town Clerk's office and the Recreation Dept. have been working to improve and expand electronic communications. With the approval of the Communications Committee, Anne has arranged for consultation and evaluation with Fran Davies, marketing consultant to the Library, and another marketing consultant to assess needs and improvements to current practices. Town Clerk Curran stated that she plans to coordinate marketing efforts across

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Town Departments to improve promotion of Recreation programs and expand general Town communications.

Upon the recommendation of Superintendent Snyder, Councilman Roth moved, seconded by Councilman Schiliro, approval to award the bid to provide bus transportation for the Town's Teen Travel Camp to MTC Bus Company, the sole bidder, in the amount of \$13,400.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Town's Attorneys to execute the Consent Judgment in the matter of Wachovia Corp. vs. Town of North Castle, Index No. 18102/06 et al.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of mortgage tax update for May, 2011, from Comptroller Gobeo. The projection for May 2011 is \$52,000 versus \$62,000 for the same month last year.

The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of NYS DCJS (Division of Criminal Justice Services) Police Department Administrative Study dated January, 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign Amendment B to the Municipal Snow & Ice Agreement for 2010-2011 including an additional reimbursement of \$68,828.39 to the Town.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a bus lease agreement with Byram Hills Central School District for a term commencing June 30, 2011 and ending August 30, 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

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

Receipt of letter from Assistant Superintendent Misiti, regarding clean up and sale of scrap metal which resulted in the recovery of \$5,599 which was distributed by the special district percentage into each appropriate district.

Receipt of letter from Robyn & Vito Errico expressing their gratitude to the Town for the teamwork associated with arrangements for a party held at Community Park.

The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

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Councilman Schiliro moved, seconded by Councilman Roth, the following resolution regarding the termination of employment of Recreation Department employee, Tina Reno:

“Whereas Tina Reno has exhausted the workers’ compensation leave available to her pursuant to Civil Service Law,

Now therefore be it,

RESOLVED, that Tina Reno is hereby terminated as an employee of the Town of North Castle effective June 22, 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Cronin, receipt of a letter of retirement from Barbara Minnitte, effective August 31, 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with Anita Louise Ehrman Recreation Center, Inc. for the use of recreational facilities and swimming pools for the period of July 5, 2011 to August 12, 2011, in the amount of \$35,000.

The roll call vote was as follows:

Ayes: Councilman Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

The Town Board audited and approved payments totaling \$593,575.49 as indicated on Warrant #11.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:00 p.m. in memory of Andreas Kluser, brother of Herta Smorol, and the victims of a recent plane crash at Westchester airport: Keith, Lisa & Isabel Weiner and Lucy Anne Walsh, all residents of New York City.

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Anne Curran, Town Clerk

Dated: July 7, 2011