

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
January 14, 2009

Supervisor Berman called the regular meeting to order at 5:10 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 Kittredge was absent.

The meeting was immediately adjourned into Executive Session to discuss personnel and contractual matters.

The regular meeting was reconvened at 7:35 p.m.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of the December 16, 2008 special meeting and work session, December 17 regular meeting and the January 7, 2009 special meeting.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman made the following announcements:

The Town Board continues to work on the 2009 budget. In addition to the two fulltime positions that have been eliminated in the Highway Department and the Police Department; an additional police officer has transferred to another municipality; and a highway employee has taken a one year leave of absence.

Compliments to the Highway Department for an excellent job during recent storms, as well as to the Parks Department, John Madera, Steve Gallo – all led by the newly appointed Supt. of Public Works Richard Fon.

The first annual faculty art show is on display at the Hergenhan Recreation Center through January 30.

Westchester County's Mobile Shredder and E-Waste Day will take place behind Town Hall on Saturday, January 24 from 9 am to 3 pm.

The Byram Hills School Board is holding three informational meetings on the proposed school budget on January 27.

The Westchester Chapter of the American Red Cross is holding a blood drive on January 16 in response to an urgent need for blood.

The regular meeting was adjourned at 7:45 p.m.

The organizational meeting was convened at 7:45 p.m. and closed at 8:00 p.m. The minutes of that meeting precede the minutes of the regular meeting.

The regular meeting was reconvened at 8:00 p.m.

The minutes of the public hearings which commenced at 8:00 p.m. follow at the end of these minutes.

Supervisor Berman introduced Jeannette Koster, an environmental lawyer, who has worked over the past year in response to the Supervisor's request to help her in being proactive on

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addressing climate change. Beginning last March, Ms. Koster conducted a baseline inventory of the Town's greenhouse gas emissions for the sample year of 2006 by collecting data from Suburban Carting, Con Edison, New York Power Authority, NYS Department of Transportation and Town records. The data was entered into software which then calculated the emissions for Town buildings, vehicles, employee commuting, street lights, and water and sewer use. A total of 37,943 MMBtu of energy is used, equivalent to 3,326 tons of carbon dioxide. Ms. Koster is developing a way to help make this kind of data entry routine so the Town can maintain records going forward. The Global Warming Task Force is in the process of developing a list of proposals of what the Town can do to reduce its carbon footprint.

Pursuant to the recommendation of Chief Robert D'Angelo, based on a report from Alarms Coordinator Barbara Minnitte and in the interest of public safety and more effective emergency response, Councilman Geist moved, seconded by Councilman Weaver, that the following addresses should be renamed effective May 1, 2009:

The easterly portion of Hillandale Avenue from its intersection with NYS Rt. 22:

#s 1 through 20 Hillandale Avenue renamed Hillandale Avenue East

(#s 23 through 58 remain unchanged)

The southerly portion of Byram Ridge Road from its intersection with Cox Avenue to Cliff Place:

#s 1 through 10 Byram Ridge Road renamed Byram Ridge Road South

(#s 41 through 108 Byram Ridge Road remain unchanged)

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Harry Tompkins, resident of the newly named Byram Ridge Road South, said he supported the change and made some suggestions to help residents deal with the implications of the address changes. Supervisor Berman said the Town would communicate with the affected property owners in an effort to help them notify all the necessary agencies.

Councilman Weaver moved, seconded by Councilman Schiliro, that an emergency condition be declared for Cross Road and Pine Ridge Road; and further moved authorization for the Highway Department to provide snow and ice control services for these roads until the in rem foreclosure takes place and the Town accepts the dedication of these roads.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that a public hearing be scheduled for January 28, 2009, to consider contributing to the purchase of the Rene Dubos property on Baldwin Place using previously approved open space funds.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from P. Daniel Hollis III, attorney for GD Stone (DiPietro Construction Corp., 20 Banksville Avenue), addressing environmental and procedural issues in connection with his client's special use permit, site plan and wetlands permit applications.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from NYS Department of State explaining delays in the State's approval process to validate North Castle's Local Law 11 of 2008 regarding requirements for fire protection sprinklers in all new residential and commercial buildings. Councilman Geist will work with the Association of Towns to try to hasten the process.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Evelyn Vlad thanking the Town for the clean-up project and fencing on Nethermont Avenue. Town Clerk Leber read the letter aloud.

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 Director of Planning Adam Kaufman explaining that the County Planning Department, in preparation for the 2010 census, has proposed revisions to three block groups in North Castle, which could potentially affect the Town's ability to qualify for Community Development Block Grant funds. However, Mr. Kaufman reported that if the merger goes ahead and as long as income levels stay the same in the affected area, the Town would still qualify for the CDBG funding.

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 Director of Planning Kaufman addressing factual inaccuracies in the January 5, 2009 letter from the Fareri Companies in which it is alleged that the approval process for 20 Bedford Road took 26 months to complete. Mr. Kaufman's letter contains a timeline which shows that the residential part of the project was approved by the Planning Board after seven months (July 30, 2007 to April 29, 2008) and the commercial part also took seven months (March 28, 2008 to December 7, 2008) to finish with the Planning Board.

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 Director of Planning Kaufman recusing himself from the review of the application to establish a school at 135 Bedford Road. Mr. Kaufman has a financial relationship with the potential school tenant as his daughter attends the school. However, Joanne Meder of Frederick P. Clark Associates is available to provide the necessary consulting services. The cost of these professional services would be reimbursed by the applicant per Town Code.

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 North Castle Housing Board requesting that the Town and Planning Boards notify and consult with it when new MIUs are proposed. The Housing Board also expressed its opinion that the Town Attorney and Town Planner should review the prospectus for all new MIUs in regard to common charges and assessments.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the request of General Foreman Useted for the release of highway bonds to Verizon (East Middle Patent Road), Permit #644, in the amount of \$1,000; and Verizon (25 Whippoorwill Crossing), Permit #693, in the amount of \$1,750.

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The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Geist, adoption of the following Resolution regarding the use of town property for holiday displays:

WHEREAS, the Town of North Castle (the “Town”) has permitted holiday displays at the Wampus Park in or about the month of December each year, for the purposes of encouraging harmony, peace and goodwill among the residents of the Town; and

WHEREAS, the use of the Wampus Park for holiday displays has not heretofore been reduced to writing as an official policy of the Town; and

WHEREAS, the Town Board hereby declares it to be in the best interest of the Town and all its residents to adopt a written policy to provide potential users of the Wampus Park property displays a clear understanding of the standards and guidelines for such use:

NOW, THEREFORE, the Town Board hereby adopts the following policy, effective upon passage;

1. Wampus Park is located on Maple Avenue in the Hamlet of Armonk. The area available for permitted holiday display is on either side of the gazebo and areas adjacent thereto.
2. An applicant, if an individual, must be a resident of the Town. If an applicant is an organization, it must have a location in the Town.
3. The term “Permitted Holiday Display” as used herein is hereby defined as a holiday display on public property held to be constitutional under court decisions.
4. The term “Court Decisions” as used herein is hereby defined as decisions of the United States Supreme Court and the United States Courts within the Second Circuit regarding the constitutionality of holiday displays on public property.
5. Permitted Holiday Displays may be located at Wampus Park upon written approval of the Town Board and subject to Federal Law, State Law, Town Code and the limitations of this and any other policy duly adopted by the Town Board.
6. The Town will not sponsor or expend monies for a Permitted Holiday Display. Private individuals and/or groups may offer to donate to the Town through the Town Board, items for Permitted Holiday Displays, but it shall be the sole and exclusive decision of the Town Board as to whether such items constitutes a Permitted Holiday Display conforming to Court Decisions and applicable law, policy and ordinance.
7. Nothing herein shall be deemed to offer the Wampus Park to anyone as a public forum for the purposes of displaying any exhibits, symbols, sculpture, signs, or artwork.
8. Vandalism/Loss. Organizations and persons temporarily using Wampus Park for Permitted Holiday Displays shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused to the display.
9. Procedures for Reserving Temporary Use of Wampus Park for Permitted Holiday Displays.
 - A. Requests for reserving temporary use of Wampus Park for a Permitted Holiday Display must be made in writing to the Town on an annual basis. Each request must contain the following information (incomplete requests will not be considered):
 1. Name/address/telephone number/email address(es) of contact person(s).

2. Name/address/telephone number/e-mail address(es) of backup contact person(s).
3. Name and address of organization.
4. General description of Permitted Holiday Display.
5. Date(s)/time and duration of Permitted Holiday Display.
6. Area requested for use.
7. Signature/printed name of individual submitting request or authorized representative of the organization submitting the request.

The Town Clerk will prepare a permit application form for such requests. Completed permit applications are to be submitted to the Town Clerk who will refer such applications to the Town Board for review and action.

Where more than one application is submitted requesting temporary use of the same space at the same time, the Town Board, in its discretion, may designate separate areas within such space, if space estimates reasonably will allow such designation. Where space is insufficient, the Town Board in its discretion may limit the number of Permitted Holiday Displays so as to accommodate the multiple requests for such space. Where such concurrent accommodations cannot be made, priority shall be given to organizations within the Town which have previously been approved for Permitted Holiday Displays at such location. Priority otherwise shall be on a first-come, first-served basis, taking into consideration other previously scheduled events.

10. The Town reserves the right to suspend or modify these policies and adopt temporary emergency policies for specific periods, if necessary for public safety, to accommodate increase or decrease in demand or access or to protect public property and its occupants during periods of heightened security or special circumstance.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, denial of the request from Floyd W. Nicholson, Lincolndale, NY, requesting a religious symbol, the Christian cross, be erected in the town park in Armonk based on the fact that Mr. Nicholson is not a Town resident as required by Town policy regarding use of Town property for holiday displays. Town Clerk Leber will respond to Mr. Nicholson.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a Negative Declaration and an Environmental Assessment Form for Motor Vehicle Anti-Idling Legislation adopted by the Westchester County Board of Legislators on November 10, 2008, as lead agency, in accordance with the State Environmental Quality Review Act.

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 Cablevision with regard to a new channel, expansion of existing channels and new HD channels.

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 Cablevision notifying the Town that it will provide public, educational and governmental (PEG) access services to all subscribers residing in the North Castle with the exception of those

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in Quarry Heights, who will continue to receive PEG access services fed from Cablevision's headend serving Harrison subscribers.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a petition and short EAF form from Debra Cascardo for the extension of Water District No. 5 to include 3 Fox Run Road (Section 2, Block 1E, Lot 8); and further moved that a public hearing be scheduled for February 11, 2009.

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 NYS Environmental Facilities Corporation regarding the Clean Water State Revolving Fund and possible financing through the Congressional Economic Recovery Appropriation.

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, 2008.

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 Worker's Compensation Reports on George Zastenchik, Gary Ristaino, Anthony Miceli, Highway Department; and Pasquale DiBenedictis, William Scherf, James Thomas, Police Department.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, that the Supervisor be authorized to make the budget transfers for year end December 31, 2008 that follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign the 2009 maintenance agreement with Verde Electric Maintenance Corp., for the traffic signal at the intersection of Bedford Road and Maple Avenue for a base contract price of \$1,500, which is unchanged from 2008.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign the network support and IT services contract for 2009 with Sullivan Data Management in the amount of \$27,000, which is unchanged from 2008.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

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Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, that the Supervisor be authorized to sign the Inter-municipal Agreement with Westchester County for Enhanced 911 Service for a five year term commencing July 11, 2008.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, to ratify the Inter-municipal Agreement with the Town of Mount Pleasant in connection with the Valhalla Ambulance Corps Service Award Program for which North Castle pays 33 1/3% annually.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

The agreement with the Lazy Environmentalist was withdrawn at the request of Supervisor Berman.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign the Inter-municipal Agreement in connection with the Hazard Mitigation Grant Program to develop a Multi-Hazard Mitigation Plan with Lewisboro and Bedford.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the letters of agreement with CSEA Units I and II (Highway and Clerical) to allow time off with pay, up to three hours annually, to be used to donate blood, in accordance with NY Labor Law.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to sign the agreement for 2009 with North East Westchester Special Recreation, Inc., for a therapeutic recreation program for individuals with disabilities.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Pursuant to a memo from Comptroller Donovan, Councilman Geist moved, seconded by Councilman Weaver, permission to attend the NYS Government Finance Officers Association Annual Conference, April 1–3, 2009 in Albany.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, permission for Councilman Geist to attend the Association of Towns Annual Meeting, February 15–18, 2009 in New York City; and further moved that Councilman Geist be the designated voting delegate for the Town.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

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Councilman Geist moved, seconded by Councilman Schiliro, acceptance of the letter of resignation as CSEA Unit I president of Stephen Dougherty, effective immediately.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of Stephen Dougherty, MEO with the Highway Department, for a one year leave of absence to explore a new career path. The Board stipulated that Mr. Dougherty must advise the Town Board by November 1, 2009 if he wishes to return.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the permanent appointment of Mercedes Rogers to the position of Appraisal Technician. Ms. Rogers's probationary period ended December 31, 2008.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Pursuant to a memo from Police Officer Joseph Gaglione, Councilman Geist moved, seconded by Councilman Weaver, acknowledgement of his transfer to the Village of Mamaroneck Police Department, effective January 12, 2009. P.O. Gaglione was previously laid off by North Castle, effective January 16, 2009.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the letter of resignation from Police Officer Robert S. Faust, effective January 11, 2009. P.O. Faust is transferring to the County Department of Public Safety.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to execute a letter to Alexander Gannis, Commissioner of NYSDEC, regarding the Town's request for modifications to Order of Consent in connection with the nitrogen removal project at the sewer treatment plant. The modifications will result in changes to milestones as follows: to commence construction to March 1, 2009, complete construction to May 1, 2010 and submit "Engineering Report II" to October 1, 2011.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Westchester County Department of Health to Ralph G. Mastromonaco Consulting Engineers regarding the approval of plans for the installation of sanitary sewer main extension for the Armonk Square subdivision.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, approval of the request of the North Castle Housing Board to increase the fee for new first time applicants for middle income units from \$45 to \$75.

The roll call vote was as follows:

Ayes: Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Sue Shimer commented that the Town has devoted employees and she does not support the layoffs of town employees. She asked the Board to think of the human factor when they consider cutting positions, adding that in this difficult economic time we need to care for each other.

Lisa Dorfman requested more communication regarding the Quarry Heights sewer hookup. Ms. Dorfman said her house was the last one for the ground to be broken for hookup, and as a result there will be personal expenses. Supervisor Berman agreed, and added that she is hopeful that the project will come in under budget and residents will have some funds returned to them.

The Town Board audited and approved payments totaling \$5,571,433.61 as indicated on Warrant #24.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:25 p.m.

Ann Leber, Town Clerk

Dated: January 20, 2009

Town Board Organizational Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 14, 2009

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 Kittredge was absent.

Councilman Geist moved, seconded by Councilman Weaver, the following:

To authorize the continuation of all depositories and accounts of the Town as heretofore established in the prior fiscal year.

To authorize and direct that payment from all Town accounts be made by checks using facsimile signatures of the Supervisor and the Town Clerk. The exception should be noted that the Town Clerk and the Town Justices are authorized to continue their own accounts.

To authorize the continuation of all committees and appointees presently in effect unless otherwise specified by the Town Board.

To authorize the continuation of Town's policy of placing legal notices in The Journal News.

To authorize the continuation of the policy of holding regular Town Board meetings on the second and fourth Wednesdays of each month at 7:30 p.m. with the exception of holidays that may conflict and unless otherwise determined by the Town Board.

To authorize the policy of paying 55 cents per mile for use of personal automobiles by Town employees involved in the performance of Town business with claims subject to the approval of the Town Board.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the following:

To authorize the continuation of the Town's Purchase Order and Procurement Policy and such will be reviewed by the Town Board.

To authorize the posting of the Town of North Castle Code of Ethics and Article 18 of General Municipal Law in each public building under the jurisdiction of the Town of North Castle.

To authorize the Town Comptroller to make payment in advance of audit of claims for public utility services, postage, freight, and express charges when necessary. All such claims must be presented for the next regular Town Board meeting.

To authorize the Department of Public Works and Police Department to call for and receive bids for certain materials, supplies and equipment needed in those departments.

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To authorize the General Foreman of the Highway Department to purchase implements and tools required by the Highway Department in accordance with the Town Purchase Order and Procurement Policy.

To authorize the Supervisor to pay 2009 salaries in installments on the following dates: January 16 and 30, February 13 and 27, March 13 and 27, April 9 and 24, May 8 and 22, June 5 and 19, July 2, 17 and 31, August 14 and 28, September 11 and 25, October 9 and 23, November 6 and 20, December 4, 18 and 31.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that elected officials shall maintain and submit time records in accordance with the guidelines established by the New York State Comptroller's Office.

The roll call vote was as follows:

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

Noes: None.

Resident Tony Futia commented that the wording on the agenda in connection with elected officials time records does not, in his opinion, adequately reflect the guidelines as established by the Office of the State Comptroller. He suggested that elected officials should submit time sheets quarterly. Supervisor Berman disagreed, saying that elected officials in North Castle actually do follow the OSC's guidelines and that she and Councilman Geist had discussed this matter with the OSC in person last year.

Councilman Geist moved, seconded by Councilman Weaver, the following:

To authorize the Supervisor to use a charge card for payment of Town-related expenses.

To authorize Councilman Kittredge to have a charge card for expenses incurred while negotiating Town labor contracts and conducting other Town-related business.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, to confirm the agreement with Bennett Kielson Storch Yablon & DeSantis, LLP, to audit the financial statements of the Town and the Justice Court as prescribed by New York State for the years 2009 – 2012.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, to authorize the Supervisor to sign the agreement between the Town of North Castle and Stephens, Baroni, Reilly & Lewis, LLP for Legal services at no additional cost in 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, to authorize the Supervisor to sign the agreement between the Town of North Castle and Patrick Bliss, Esq. for legal services with regard to the Justice Court at no additional cost in 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the following:

To authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Consulting for engineering consultation services at no additional cost in 2009.

To authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Consulting for wetlands consultation services at no additional cost in 2009.

The roll call vote was as follows:

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

Noes: None.

The agreement between the Town of North Castle and Littler Mendelson P.C. for legal services with regard to labor matters in 2009 was tabled.

Councilman Geist moved, seconded by Councilman Schiliro, the following:

To authorize the Supervisor to sign the agreement between Ambulance District No. 1 and the Valhalla Ambulance Corps for ambulance service in North White Plains for 2009.

To authorize the Supervisor to sign the agreement between the Town of North Castle, on behalf of Fire Protection District No. 3, and Banksville Independent Fire Company for fire protection for 2009.

To authorize the Supervisor to sign the agreement between Fire District No. 2 and the Town of North Castle, on behalf of Fire District No. 3, for emergency ambulance service for 2009.

To authorize the Supervisor to sign the Hydrant Use Agreements for 2009, with automatic one year renewals unless otherwise determined between: a) Sewer and Water Districts No. 1 of the Town of North Castle and North Castle South Fire District No. 1; and b) Water District No. 2, Water District No. 4, Water District No. 5 and Water District No. 7 of the Town of North Castle and Fire District No. 2.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, to authorize the Supervisor to extend the agreement between the Town of North Castle and the Banksville Community House, Inc. for summer recreation programs through 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the adoption of the 2009 Sanitation Schedule.

The roll call vote was as follows:

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

Noes: None.

After all persons were heard who desired to be heard, the Supervisor closed the organizational meeting at 8:00 p.m.

Ann Leber, Town Clerk

Dated: January 21, 2009

PUBLIC HEARING

January 14, 2009

At 8:00 p.m. Supervisor Berman 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 January 14, 2009, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504 for the purpose of considering the Special Use Permit application of St. Christopher's Inc. at the Jennie Clarkson site, 1700 Old Orchard Street, North White Plains, New York to install two temporary modular classrooms (Section 3, Block 4, Lot 4).

By Order of the Town Board
Ann Leber, Town Clerk

Dated: January 2, 2009
Armonk, New York

The Public Notice read by the Town Clerk 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 green cards denoting receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

The special use permit application dated December 3, 2008; notification to Westchester County Planning Board, sent on January 7, 2009; a memo from Director of Planning Adam Kaufman to the Town Board and Planning Board, dated January 2, 2009; and a letter from Mr. Kaufman to the Town Board, dated January 13, 2009, were marked Exhibit "E" for the record.

Mr. Kaufman described the project to install two temporary trailers which would be connected to the on-site water system and the public sewer system. The trailers would be adjacent to a parking facility and next to a walking path, and would accommodate a total of twelve female students, with each trailer housing a classroom and a restroom. Mr. Kaufman said that the project would have no visual impact from off site or adjacent properties, had received a positive recommendation from the Planning Board, and did not require the applicant to return to the Planning Board for site plan approval since there would be no on-site disturbance.

Supervisor Berman added that the school is primarily for male students, but the trailers would be used by female students only.

Councilman Geist asked if there would be any lighting outside the trailers, and Mr. Kaufman said that the trailers would have a light next to the door. Mr. Russell Gilmore, Director of General Services for St. Christopher's, said that the trailers would only be used during the day between the hours of 8:00 a.m. and 2:30 p.m. Mr. Gilmore added that New York State has requested they accept twelve girls at the Old Orchard location by February 9, 2009, and the girls could not be co-domiciled or co-instructed with the male students.

Sue Shimer said she had thought that Jennie Clarkson was largely a female facility, and Mr. Gilmore said that the facility has changed. He said the Old Orchard Street location currently has two dorms which house girls who are bused every day to the Dobbs Ferry location. He added that there are about thirty boys in a special program at the Old Orchard location.

Supervisor Berman asked Mr. Kaufman if the project needed to be referred to the Architectural Review Board, and Mr. Kaufman replied that this was a condition of the special use permit. Supervisor Berman also confirmed with Mr. Kaufman that since the project is a Type II action that no negative declaration is required.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Geist moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 8:06 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, approval of the Special Use Permit application of St. Christopher's Inc. at the Jennie Clarkson site, 1700 Old Orchard Street, North White Plains, New York to install two temporary modular classrooms (Section 3, Block 4, Lot 4). 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.

Ann Leber, Town Clerk

Dated: January 23, 2009

RESOLUTION

Action:	Special Use Permit Approval
Application Name:	Jennie Clarkson Home for Children
Owner/Applicant:	Jennie Clarkson Home St. Christopher's Child
Designation:	Section 3, Block 4, Lots 4
Zone:	R-2A(Residential Two-Acre) District
Acreage:	37.74-acres
Location:	1700 Old Orchard Street
Date of Approval:	January 14, 2009
Expiration Date:	January 14, 2010 (1 year)

WHEREAS, an application dated December 3, 2008 for Special Use Permit approval was submitted to the Town Board and referred to the Planning Board for its review and recommendation; and

WHEREAS, the application consists of a plan entitled "Subdivision Plat," dated May 13, 2008, last revised November 19, 2008, prepared by Thomas C. Merritts Land Surveyors, P.C.; and

WHEREAS, the Applicant is seeking special use permit approval for the placement of two temporary classroom buildings for six female students at the Jennie Clarkson School; and

WHEREAS, the proposed temporary classrooms are to be located in a cleared area of the site and will not result in any significant site disturbance or tree removal; and

WHEREAS, the area will not be visible to any neighboring property and cannot be viewed from the public right-of-way; and

WHEREAS, it is noted that the Town Board revised the special use permit for the Jennie Clarkson home on May 12, 1988. At that time, it appears that the Town Board approved an expansion to an existing residence hall; and

WHEREAS, in addition, on November 19, 2001 Jennie Clarkson received Town Board special permit approval to convert a caretakers residence into a small group home; and

WHEREAS, the 37.74-acre property is located in the R-2A (Residential Two-Acre) district and is designated on the Tax Maps of the Town of North Castles as Section 3, Block 4, Lot 4; and

WHEREAS, the proposed action is a Type II Action which has been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, article 8 under the State Environmental Quality Review Act (SEQR); and

WHEREAS, the application for special use permit approval requires referral to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, this referral requires "notification only" because the project proposes less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance; and

WHEREAS, the project was referred to the County on January 7, 2009; and

WHEREAS, on January 12, 2009 the Planning Board recommended this application favorably to the Town Board; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on January 14, 2009 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

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

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area; and

WHEREAS, the Town Board has determined that the proposed location and size of the classrooms, the nature and intensity of the operations involved with the classrooms will be in harmony with the appropriate and orderly development of the R-2A Zoning District; and

WHEREAS, the Town Board has determined that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board has determined that operations in connection with the special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, the Town Board has determined that parking areas are of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum convenience and safety; and

WHEREAS, the Town Board has determined that the provisions of the Town Flood Hazard Ordinance have been met; and

WHEREAS, the Town Board has determined that the proposed special permit use will not have a significant adverse effect on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the special permit is approved, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that the special permit shall be deemed to authorize only the particular use or uses specified in the permit, and shall expire if work is not initiated within one year, or if said use or uses shall cease for more than one year for any reasons or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

Conditions:

1. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
2. There shall be no substantial extension of the facilities described above without amended Special Use Permit by the Town Board.
3. The plan shall be revised to indicate that the proposed red buildings 1 and 2 are each a temporary classroom to the satisfaction of the Town Planner. In addition, the title of the plan shall be revised from "Subdivision Plat," to a title that relates to the current application to the satisfaction of the Town Planner. Furthermore, any information pertaining the proposed subdivision should be removed from this plan in order to avoid confusion to the satisfaction of the Town Planner.
4. The plans shall be revised to depict all proposed utility connections to the satisfaction of the Town Engineer.

5. The Applicant shall be required to obtain all required permits from the Building Department prior to the installation of the classrooms and prior to any utility connections.
6. Prior to the issuance of a building permit, the Applicant shall be required to obtain Architectural Review Board approval of the proposed classroom buildings.
7. Prior to the issuance of a building permit, the Applicant shall demonstrate that all required approvals from the Westchester County Health Department and/or North Castle Sewer and Water Department have been issued for the proposed classrooms to the satisfaction of the Town Engineer.
8. Prior to the issuance of a building permit, the Applicant shall remit payment for all outstanding fees, including professional review fees.

PUBLIC HEARING

January 14, 2009

At 8:07 p.m. Supervisor Berman 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 January 14, 2009, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504 to consider the adoption of a Local Law to amend Chapter 60 entitled Alarms to increase the charges for false alarms.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: January 2, 2009
Armonk, New York

The Public Notice read by the Town Clerk 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 Alarms Coordinator Barbara Minnitte dated December 15, 2008 was marked Exhibit "D" for the record.

Supervisor Berman said that Ms. Minnitte's thorough analysis resulted in two schedules for consideration. The first schedule proposed a \$10.00 charge for the first false alarm and a \$100.00 charge for the fifth and subsequent alarms. The second schedule proposed no charge for the first false alarm, a \$100.00 charge for the fourth through tenth alarms, and a \$200.00 charge for the eleventh and subsequent alarms.

Councilman Geist said that the charges have not been increased since the inception of the alarms ordinance in 1982. Mr. Geist said that he was in favor of the second schedule which proposed no increase for the first false alarm and higher charges for repeat offenders.

Supervisor Berman commented that each time an alarm goes off, the Town's Police and Fire personnel must respond. Supervisor Berman also said that the proposed charges would place the Town in the middle range of the charges of surrounding towns.

Councilman Weaver agreed that the second schedule should be adopted and said it might encourage residents and businesses to have their alarm systems repaired and discourage repeat offenders.

Supervisor Berman said that the schools are not charged for false alarms, and Councilman Schiliro commented they should be encouraged to decrease the number of false alarms. Supervisor Berman said that this topic will be discussed at the monthly meeting with the school board which she and Councilman Schiliro attend.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Geist, that the Public Hearing be closed at 8:15 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro adoption of the second schedule of Local Law 1 of the year 2009 to consider the adoption of Local Law 1 of 2009 to amend Chapter 60 entitled Alarms to increase the charges for false alarms.

The Local Law follows:

Local Law No. 1 For the Year 2009

(adopted January 14, 2009)

A Local Law to amend Chapter 60 entitled Alarms 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 60-4 entitled False Alarm Charges, Subsection (C)(1) is hereby amended as follows:

C. False alarm charges.

- (1) Any owner or lessee of property having an alarm device or system of devices on his or its premises and any user of services or equipment furnished by a licensee under this chapter shall pay to the Town a charge for each and every false alarm to which the Police or Fire Department responds in each calendar year as follows:

- (a) For the first false alarm each year: a warning and fine schedule accompanied with written notice of violation.
- (b) For the second false alarm each year: \$25.00
- (c) For the third false alarm each year: \$50.00
- (d) For a fourth through tenth false alarm: \$100.00
- (e) For an eleventh false alarm and each false alarm thereafter: \$200.00

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.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: January 16, 2009