

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York 10504  
on  
August 18, 2010

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 Counsel	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:25 p.m. The regular meeting was reconvened at 7:30 p.m.

Jon Mann, Chair of Sustainable North Castle Committee, congratulated residents Steve and Dorie Gordon for winning the Share the Savings Contest. The Committee sponsored the contest to share success stories about reducing energy consumption and expenses and thereby demonstrate ways to reduce our individual and collective carbon footprint in North Castle.

The minutes of the Public Hearings which commenced at 8:10 p.m. follow at the end of these minutes. The public hearing to consider establishing a landmark designation pursuant to Chapter 126 of the Town of North Castle Code for the parcel located at 11 Tallwoods Road, Armonk, New York (Section 2, Block 01K, Lot 4) was not held due to the withdrawal of the application.

Councilman Schiliro moved, seconded by Councilman Kittredge, approval of the minutes of the July 28, 2010 meeting.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a letter from Superintendent Futia with regard to the Highway Superintendent position. Mr. Futia requests the Town Board address the structure of the office of Town Highway Superintendent and Department of Public Works.

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 mortgage tax update from Comptroller Dawn Donovan for July 2010. The projection for July is \$56,000.

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 extend the Sani-Pro refuse collection agreement, per the contract, for the year 2011.

The roll call vote was as follows:

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

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Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a request from Haunted Dead End to erect a Haunted House at Rocky Ledge Swim Club, pursuant to Town Code, Chapter 83; and a Public Hearing was scheduled for September 7, 2010.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of Chief D'Angelo, Councilman Schiliro moved, seconded by Councilman Kittredge, that a public hearing be scheduled for September 7, 2010 to add a stop sign at the intersection of James Street and William Street.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of Superintendent of Public Works Fon, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to contract with Quick Line Co. for the repainting of all pavement markings for all Town Hall and Annex parking lots and driveways.

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 report for the month of July 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, that the Supervisor be, and hereby is, authorized to sign the Budget Transfers that follow at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, the appointment of David Simonds as a member of the Communications Committee, to serve at the pleasure of the Board.

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 appointment of Christine Eggleton as a member of the Landmarks Preservation Committee, for a term to expire on May 17, 2012.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, approval of the request of Chief D'Angelo to attend the Annual International Convention, October 22 – 27, 2010, in Orlando, Florida.

The roll call vote was as follows:

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

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Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for unpaid leave of absence for Gary Ristaino, Highway Department, October 1 through 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, the following:

Receipt of Workers Compensation Board Reports for Thomas J. McCormack, Police Department and Tina Reno, Recreation Department.

Receipt of the 2009 Annual Sewer Maintenance and Repair Report for North Castle Sewer District No. 1.

Receipt of a donation from Byram Hills Preschool Association to the D.A.R.E. Program, in the amount of \$200; and for scholarships to the Recreation and Parks Department for Day Camps, in the amount of \$1,000.

Receipt of a letter from Superintendent Futia regarding a resident's complaint of water damage to 38 Custis Avenue from a leaking water tank.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an Agreement among the Town of North Castle, Westchester Joint Water Works and Southern Westchester BOCES with respect to the water main to be constructed to the BOCES Rye Lake campus.

The roll call vote was as follows:

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

Noes: None.

The Town Board audited and approved payments totaling \$646,211.43 as indicated on Warrant #15.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:15 p.m. in memory of Phyllis Steadman, Ariana Sanabria and Joseph Ferrari.

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Anne Curran, Town Clerk

Dated: August 31, 2010

PUBLIC HEARING

August 18, 2010

At 7:30 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 Town Board of the Town of North Castle will hold a Public Hearing on Wednesday, August 18, 2010, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, to consider establishing a landmark designation pursuant to Chapter 126 of the Town of North Castle Code for the parcel located at 11 Tallwoods Road, Armonk, New York (Section 2, Block 01K, Lot 4).

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: July 28, 2010  
Armonk, New York

The Public Notice calling the Public Hearing 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 certified mail receipts denoting mailing to adjacent property owners and the Affidavit of Service were received and marked Exhibit "D" for the record.

No other correspondence or comments were entered for the record.

Councilman \_\_\_\_\_ moved, seconded by Councilman \_\_\_\_\_, approval of a landmark designation pursuant to Chapter 126 of the Town of North Castle Code for the parcel located at 11 Tallwoods Road, Armonk, New York (Section 2, Block 01K, Lot 4).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Berman.

Noes: None.

After all persons were heard who desired to be heard, Councilman \_\_\_\_\_ moved, seconded by Councilman \_\_\_\_\_, that the public hearing be closed at \_\_\_\_\_ p.m.

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Anne Curran, Town Clerk

Dated: August 19, 2010

## PUBLIC HEARING

August 18, 2010

At 8:10 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 August 18, 2010 at 7:30 PM, or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, NY 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 II entitled "Water District No. 2", section 103 entitled "Water Rates" to increase the water rate to \$7.50 per thousand gallons. In addition, section 104 "Charges for consumers outside district" will increase to \$15.00 per thousand gallons, which is double the inside rate.

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 North Castle Town Board  
Anne Curran, Town Clerk

Dated: August 2, 2010  
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 following correspondence was marked Exhibit "D" for the record.

Memo from Sewer and Water Department dated July 8, 2010.

Memo from Sewer and Water Department dated July 30, 2010.

E-mails from Mark Rose dated August 16, 2010 and Andrew Caesar dated August 17, 2010.

Assistant Superintendent Sal Misiti gave a PowerPoint presentation which provided details regarding the proposed water rate increase in Water District No. 2 (Windmill Farm). Summary points of the presentation included:

- An increase in the water rate is needed due to a depleted fund balance and a shortfall in 2009 which resulted in a tax to make up the difference.
- The capital charge will decrease from \$800 per parcel to \$451 per parcel.
- About 50-60% of residents in the district will see a reduction in overall water charges and be paying less than they are now. The majority of residents use less than the average water usage amount for the district.
- The minimum charge of \$40.00 will remain the same except the minimum will be charged for quarterly consumption up to 5,300 as compared to the current minimum of 11,000 gallons. On average, 60 accounts are at minimum at the current rate; about 25 accounts will be at minimum at the new rate.
- The outside district users (Brynwood Club and Coman Hill School) will pay rate double the inside rate since they do not pay for any capital improvements.

Windmill resident, Herb Jernow, questioned how the rates are audited and if this large increase is due to operating costs particularly the salary and benefit expenses for employees servicing the Water District No. 2.

In response, Superintendent Futia explained that:

- Residents in the District only pay for the actual services it receives.
- The expenses for the District have been high due to the new well, water storage tank and pump equipment, but expenses will go down when the new equipment is fully operational

and the tank can be kept filled. Future rate increases will be less likely with this upgraded system.

- Sewer and Water Dept. employees have remained constant over many years, and the Department has kept costs to a minimum with manhours only charged to the District as needed; Mr. Futia noted that water testing must be done every day.

Assistant Superintendent Misiti reiterated that the majority of people will realize a decrease in their annual water cost based on the change in rate structure.

Sue Shimer, Pond Lane, commented that the proposed change sets a cost threshold of usage whereby a person who uses less water will pay proportionately more, and this is contrary to the need for conservation and environmental protection.

Ray Butti, Thornewood Road, expressed concern about the amount of the increase from \$4.75 per thousand gallons to \$7.50 per thousand gallons, as he said the rate had increased 38% in March, 2008 and now is increasing again by nearly 60%.

Lydia Rippstein, School Street and Frank Benish, Sterling Road, raised concerns about expenses for salaries and benefits of Town employees, emphasizing that they are out of line versus private industry and as a percent of the Town budget.

Mario Ruggiero commented that Water District No. 4, with a much higher volume as compared to Windmill, has a lower rate and has remained constant. He added that the new well should be more efficient.

In response to a request for clarification from Councilman Roth on how the charges are determined for each residential property owner, Town Attorney Baroni said that the current capital charge is on a per parcel basis, and not on usage, which is unfair. With this change, charges will be based on water usage.

Supervisor Weaver said that rather than paying a large capital charge, residents will pay based on water usage, a change he believes is fair to residents and many residents will end up paying less. He stated that while expenses now warrant a rate change, the projected budget is \$94,000 less than 2010.

As a means to off-set costs, Councilman Roth said that a cell tower committee should be formed. Councilman Cronin said that residents should be made aware of the economic benefit of having a cell tower placed on a storage tank which could add about \$39,000 per antennae directly to the water district.

Superintendent Futia said he would respond to the two e-mails received by residents.

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 adjourned at 9:20 p.m.

The roll call vote was as follows:

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

Noes: None.

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Anne Curran, Town Clerk

Date: September 2, 2010

## PUBLIC HEARING

August 18, 2010

At 9:22 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 August 18, 2010, 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 adoption of a Local Law electing retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Town of North Castle.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: August 6, 2010  
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.

A memo from Supervisor William R. Weaver to all Town employees dated August 6, 2010.

A petition from Town employees, with forty-four signatures, to the Town Board dated August 17, 2010.

Supervisor Weaver said the 2010 Retirement Incentive Program is a temporary program for certain New York State and Local Employees' Retirement System (ERS) members. This program does not apply to Police Retirement System members. The Program has two parts. Part A is a targeted incentive and the Town must identify eligible employees. Part A provides one additional month of service credit for each year of credited service an eligible member has at retirement. The maximum additional incentive service credit is three years. The Town Board is not considering the Part B incentive which is not targeted and which would allow members who are at least age 55 and have 25 years or more of service credit to retire without a benefit reduction. Supervisor Weaver said that the Board evaluated how to help the Town save money and which positions the Town would not replace and decided to offer the Part A incentive to Highway Department Unit I employees only.

Mario Ruggiero, Limestone Road, asked what would happen to Town services if positions in the Highway Department were not replaced. Mr. Weaver said some there are many budget reducing options to consider and functions in the Highway, Sewer and Water, and Parks Departments can be consolidated.

Frank Benish, Sterling Road North, asked if the Town is looking into merging services with other Towns. Supervisor Weaver said that the Town had an inter-municipal agreement with the Town of Mount Pleasant to share employees and equipment. Councilman Schiliro said that the Town is looking into obtaining grant money from NYS for shared services.

On behalf of some Town employees, Assessor Anna Maria Marrone asked that the Board consider the incentive program for employees in other departments. Discussion ensued among the Board and it was agreed that Board would meet to evaluate the matter again.

Town Attorney Baroni said the Board could adopt the local law to elect a retirement incentive program for the Unit I members of the Highway Department at this meeting and schedule a new public hearing to consider whether to offer a retirement incentive to other employees.

Councilman Kittredge moved, seconded by Councilman Schiliro the scheduling of a public hearing for August 31, 2010.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman Roth, that the Public Hearing be closed at 9:28 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, the adoption of Local Law 5 of the year 2010 to add Chapter 43 entitled Retirement Incentive Program to the Code of the Town of North Castle and elect a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Town of North Castle.

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.

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Anne Curran, Town Clerk

Dated: September 2, 2010

Addendum:

Subsequent to the scheduling of a public hearing for August 31, 2010 to consider a retirement incentive program for other employees, Supervisor Weaver issued the memo which follows and the public hearing was not held.

August 30, 2010

Dear Employee,

With reference to the New York State Early Retirement Incentive Program, the Town Board deliberated, met with professional advisors, and evaluated financial impacts on the Town of North Castle before voting to offer a program to the employees within the "Unit One" (Highway) bargaining unit.

As I wrote you in my August 6, 2010 memorandum, this is a one-time program with various restrictions and does not apply to members of the NYS Police Retirement System.

At the Public Hearing on August 18, 2010 a few employees asked and the Town Board agreed to reconsider the group of employees targeted for this early retirement program.

The Town Board has reconsidered the various factors involved, evaluated the impacts, and has again reached the same conclusion. No other employees will be targeted for the New York State Early Retirement Program.

Sincerely,

William R. Weaver  
Supervisor



**TOWN OF NORTH CASTLE**  
**LOCAL LAW NO. 5 FOR THE YEAR 2010**  
**(Adopted August 18, 2010)**

A Local Law to add chapter 43 entitled Retirement Incentive Program to the Code of the Town of North Castle.

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

**70-1 Program authorized.**

The Town of North Castle hereby elects to provide its eligible employees (Unit I-Highway) with a Retirement Incentive Program authorized by Chapter 105, Laws of 2010 (Part A).

**70-2 Commencement.**

The commencement date of the Retirement Incentive Program shall be October 1, 2010.

**70-3 Open Period.**

The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 90 days in length and shall end on December 29, 2010.

**70-4 Funding of benefits; determination of amounts.**

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as a lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of North Castle for each employee who receives retirement benefits payable under this local law.

**70-5 Effective Date:** This Local Law shall be effective immediately upon approval by the North Castle Town Board and upon filing with the Office of the Secretary of State and the NYS Retirement System as provided by law.

## PUBLIC HEARING

August 19, 2010

At 8:40 p.m. Supervisor Weaver reconvened the Public Hearing which was adjourned from August 18, 2010 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 II entitled "Water District No. 2", section 103 entitled "Water Rates" to increase the water rate to \$7.50 per thousand gallons. In addition, section 104 "Charges for consumers outside district" will increase to \$15.00 per thousand gallons, which is double the inside rate.

Sewer and Water Superintendent Futia and Assistant Superintendent Misiti discussed the possibility of increasing the water rate for District No. 2 as of September 1, 2010.

Town Attorney Baroni stated that could not be done as people had purchased water for the summer billing cycle based on the rate in the current law, and that the rate change must be enacted before the charge can be implemented.

After discussion about the possibility of billing with a split rate, there was consensus that the new rate will be used as of December 1, 2010.

Councilman Kittredge moved, seconded by Councilman Schiliro, the adoption of Local Law 6 of the year 2010 law to amend the Code of the Town of North Castle, Chapter 204 entitled "Water", Article II entitled "Water District No. 2", section 103 entitled "Water Rates" to increase the water rate to \$7.50 per thousand gallons. In addition, section 104 "Charges for consumers outside district" will increase to \$15.00 per thousand gallons, which is double the inside rate.

The roll call vote was as follows:

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

Noes: None.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 8:50 p.m.

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.

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Anne Curran, Town Clerk

Date: September 1, 2010

## **TOWN OF NORTH CASTLE**

### **Local Law No. 6 For the Year 2010 (Adopted August 19, 2010)**

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

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

1. Article II entitled Water District No. 2, Section 103 entitled Water Rates, subparagraph A. is hereby amended to read as follows:

- A. Water rates shall be \$7.50 per 1,000 gallons with a minimum rate of \$40 per quarter for the first 5,300 gallons of water. In the event that revenues received through water rates and other fees are insufficient to provide budgeted funds to the district, the water district reserves the right to fix an additional assessment upon the properties located therein to recover said funds upon due notice and public hearing called for such purpose.

2. Article II entitled Water District No. 2, Section 104 entitled Charges for Consumers Outside District is hereby amended to read as follows:

Section 204-104. The charge for water to consumers outside of North Castle Water District No. 2 shall be \$15.00 per 1,000 gallons. The annual fire line charge to the Brynwood Club shall be \$2,338.

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.

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York 10504  
on  
August 19, 2010

Supervisor Weaver called the meeting to order at 8:50 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 Counsel	Roland A. Baroni

Councilman Kittredge moved, seconded by Councilman Schiliro, the appointment of Rita Ross to the position of Intermediate Clerk, Town Clerk's office, 21 hours per week, effective September 1, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Supervisor Weaver.

Noes: Councilmen Roth, Cronin.

After all persons were heard who desired to be heard, the Supervisor adjourned the meeting to Executive Session at 8:51 p.m.

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Anne Curran, Town Clerk

Dated: August 31, 2010