

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
March 25, 2009

Supervisor Berman called the meeting to order at 5:30 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge
	Gerald K. Geist
	William R. Weaver
	Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into Executive Session. The Executive Session was closed at 7:25 p.m.

Supervisor Berman reconvened the regular meeting at 7:35 p.m.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the minutes of the regular meeting of March 11, 2009.

The roll call vote was as follows:

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

Noes: None.

Diane Roth, member of the Recycling Committee, announced that Zero Waste Day will take place behind Town Hall on April 25 from 9 a.m. to 2 p.m. She encouraged residents to drop off items for e-waste collection (anything with a plug); women's business attire (nearly new and cleaned), used furniture and bicycles to be reused by families in need.

Councilman Kittredge announced that Earth Day, the annual Town-wide clean up day, will take place on Saturday, April 25th. Clear collection bags for recyclables and black collection bags for trash will be available on the morning of April 25th at the North White Plains Community Center, the Banksville Fire House and the lobby of Town Hall. During the week prior to Earth Day, these bags will be available at the Highway Department during its normal working hours.

Supervisor Berman made the following announcements:

- Westchester County, in cooperation with the Westchester Climate Change Advisory Council, will hold Earth Day Celebrations on Sunday, April 19, 2009 from 10 a.m. to 4 p.m. (rain or shine) at the Kensico Dam Plaza in Valhalla.
- Westchester County is looking for volunteers to develop a baseline of water quality data. Anyone interested may call 995-6535 or e-mail sad@westchestercounty.com.
- Westchester County is also looking for volunteers for its *Pitch in for Parks* program on April 19 from 9 a.m. to 3 p.m. Call 864-7054.
- An anti-idling law went into effect in Westchester County on February 10, 2009. The law applies to all vehicles operating within the County. Any engine idling is restricted to three minutes. Police, fire and emergency vehicles are exempt from the law. New York City has adopted similar legislation but idling is limited to one minute.
- Residents are urged to turn off their lights during Earth Hour on March 28 from 8:30 – 9:30 a.m.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Attorney Denise O'Connor with regard to the application for special use permit approval for storage of contractor's equipment at 7 Round House Road (Lowrey).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Supervisor Berman introduced Carol De Lisa who proposed setting up a farmers' market in the parking lot behind Town Hall every Saturday from 9 a.m. to 1 p.m. from May 30 to October 31. Stating that farmers' markets are her passion, Ms. DeLisa, who serves on the boards of farmers' markets in other communities, said there would be approximately 18 vendors selling such items as eggs, honey, maple syrup, meats, fruits and vegetables. Ms. DeLisa said she recognizes the concerns of the local store owners but assured them that, in her experience, the markets bring more business to town, helping rather than hurting local businesses. She offered to set up a kiosk where local merchants could be represented.

Judy Willsey, owner of Framings, spoke on behalf of the Armonk Chamber of Commerce, saying that local businesses pay high rents as well as employee salaries and benefits, and they are required to have a certain number of parking spaces. She likes the idea of a farmers' market but not for Armonk where she thinks it will take business from the local purveyors. She read aloud a letter from the owner of La Mer Seafood who does not support the idea as the Saturday market will impact on shoppers' buying habits from Friday through Monday. The following spoke in opposition to the farmers' market: Christine King and Elaine Cuevas of Perfect Endings Bakery, Charlene Jacoby of Town Center Pharmacy, Sue Allison of NatureScapes, Woon-Sook Chon of Cherry Blossom, realtor Diane Roth, Joanne Peterson (former business owner), resident Ann Dantzig. In addition to the comments of Ms. Willsey, some of the reasons cited for their opposition to a farmers' market were:

- Bringing competition to local businesses is no way to thank them for supporting the community with donations for local causes.
- Local businesses, which offer personalized service, are already struggling in this economy and do not welcome additional competition.
- Have the impacts of traffic, parking and trash been thought through?
- Perhaps local businesses would be willing to sell products offered by the vendors in the market.
- Perhaps local businesses should be allowed to have sidewalk sales every Saturday.
- The local businesses have already been impacted by the weak economy and there are several vacant stores in the hamlet.
- Some of the vendors at the Pleasantville farmers' market could not be considered local and, in fact, some could be classified as large businesses.

Those speaking in favor of a farmers' market included Ilene Africk, Joan Kantor, Walter Olson, Susan Geffen, and Howard Arden. Their support was based on:

- A four hour market on Saturday should not have a big impact.
- There is a need for organic fish, meat and produce.
- The market would bring shoppers from other communities who will patronize the local businesses, as well as provide a convenient market for Armonk residents who now go to the farmers' markets in other communities.

In response to a question from Ms. King, Supervisor Berman said the financing arrangements have not yet been worked out. The fees paid by the vendors will go toward advertising. If there is any money left over, there is no reason why Ms. DeLisa should not get some of that income. She added that, while a decision does not have to be reached tonight, the vendors need a commitment in order to sign up for this season. Some of the merchants complained that they had not received enough advance notice of tonight's discussion on the issue of a farmers' market in Armonk. Ms. Berman asked Ms. Willsey to clarify that she had indeed informed Ms. Willsey of the meeting nine days earlier. Ms. Willsey stated that she had met with the Supervisor on March 17 and, rather than e-mailing a notice of the meeting to the merchants, she had recently hand delivered copies of tonight's agenda.

Councilman Kittredge said that, before voting, she would like to count the number of available parking spaces in the Town Hall lots and check the location where the vendors would set up.

Ms. DeLisa said she respects everyone's opinion and would like to work in cooperation with the local business owners.

In response to Councilman Weaver's query, Ms. DeLisa said that the following products would be sold by the vendors: meat, venison, vegetables (one organic, one non-organic), jams, maple syrup, honey, bath and body products, bread, cheese, lavender products, smoked trout, pasta, Dutch desserts and, possibly, a winemaker. Mr. Weaver said he would like more information of the kind of vendors, what will be sold, and how the market would impact the community.

In response to the Supervisor's query, Town Clerk Leber said she had received thirteen letters and/or e-mails in support of a farmers' market and three against. She read aloud the letters whose writers requested that she do so.

Supervisor Berman asked Ms. DeLisa to delay the commitment to the vendors until after the April 7 Town Board meeting to allow for additional conversation. Ms. Berman then read the following statement:

"The last time we talked about a Farmers' Market, it was a few years ago in response to a proposal by the Mariani's that it be at the Mariani Garden Center. Most of the Town Board was opposed to having a farmers' market on private property but said that they would view it differently on public property.

"Tonight we have a resident who has been a vendor at farmers' markets and served on the Boards of farmers' markets in Rhinebeck and Cold Spring. She is prepared to run this market for us and to earn very little for that effort. We are lucky to have someone with the experience and passion that Carol has. And the location for this market is on public land.

"I am supportive of trying a Farmers' Market for this season for the following reasons:

- It will bring residents together and contribute to a neighborly feeling, thus enhancing community spirit. It will be fun and colorful.
- It brings fresh produce very close to home. Remember the many choices of apples and piles of corn that we used to get at Schultz's. You will have those choices again at a farmers' market.
- It supports the local farmers and preserves a way of life that is essential to encourage. We want to keep agriculture alive in New York State.
- It will bring action to downtown and will help – not hinder – most of the businesses because shoppers will visit stores and eat in restaurants. (In a survey done in 2008 in Madison, NJ when they moved their market to a downtown location, 73% who shopped at the market visited one or more stores. One of the candidates for a town board office said, "It serves as economic driver to get people into town with the additional benefit of getting them into local stores...Anything we can do to benefit the downtown merchants is a plus. July and August are the slowest time of year for shopping.") Based on my own experience, I currently go to the Pleasantville Farmers Market most Saturdays, and I always stop at the Starbucks across the street to get coffee. I have occasionally stopped at other stores as well.
- And while some of the local businesses are opposed, I had a conversation last Saturday with one business owner who said she was supportive because it would provide an opportunity to promote some of her special products that the market would not have.
- I also had a conversation today with Patti Dwyer, the Town Administrator of Pleasantville, who said that their market is "wildly popular", that on the average 1000 people shop there each Saturday, and that though there was initially opposition from some of the local business, there is virtually none now.

"I would prefer shopping in Armonk to shopping in Pleasantville. I will save on gas and reduce my greenhouse gas emissions and air pollution; at the same time I will be promoting the vitality of downtown Armonk."

Councilman Geist said he is opposed to farmers' markets on non-public property. He commended Supervisor Berman on initiating this new idea, but added that he would like to hear

Town Board Minutes
March 25, 2009

from the residents as well as the merchants. He urged everyone to look at the bigger picture and said he thinks this will make North Castle a better place and foster a sense of community.

Councilman Schiliro stated he has had good experiences with farmers' markets in Europe where they are part of the culture. He appreciates the concerns of the business owners and would like to find ways to work together to benefit both residents and business owners. He would like people to shop in Armonk and believes the local businesses can be promoted at a farmers' market. He commented that he would like additional information regarding parking, sales, numbers of cars and number of spaces.

Councilman Kittredge thanked Ms. DeLisa for all her work but said she sympathizes with the business people in this economy.

Supervisor Berman asked Town Clerk Leber to place the establishment of a farmers' market on the April 7 agenda for further discussion.

In response to a complaint Supervisor Berman received regarding residents not cleaning up after their pets, the members of the Board agreed that, in lieu of legislating, they preferred to encourage people to observe the rules of common courtesy and pick up their dogs' waste.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a revised Investment Policy from Comptroller Dawn Donovan. Ms. Donovan explained that the only changes made were to the list of eligible banks and authorized individuals.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a mortgage tax update from Comptroller Donovan. Ms. Donovan stated that the projection for February 2009 is \$69,000.

The roll call vote was as follows:

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

Noes: None.

Pursuant to a memo from Comptroller Donovan, Councilman Geist moved, seconded by Councilman Weaver, approval of the following proposed budget amendments for 2009. The amendments are necessary due to events that occurred since the adoption of the budget last December.

General Fund:

A 1000.1001	Real Property Taxes	96,371
A 1000.3005	Mortgage Tax	-100,000
A 3120.0110	Police – Salary FT	-52,000
A 1990.0400	Contingency	16,611
A 3620.0110	Building Salary FT	25,686
A 7020.121.102	Recreation – Salary PT	4,963
A 8020.0120	Planning – Salary PT	1,111

Highway Fund:

DA 1000.1001	Real Property Taxes	-96,371
DA 5110.0110	General Repair – Salary FT	-48,186
DA 5140.0110	Highway Misc – Salary FT	-48,186

The roll call vote was as follows:

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

Noes: None.

Town Board Minutes
March 25, 2009

Councilman Geist moved, seconded by Councilman Weaver, receipt of the lead agency declaration and notice of intent from NYC Department of Environmental Protection regarding amendments to rules for recreational use of water supply lands and waters allowing recreational boating. Director of Planning Kaufman said that the amendments represent significant changes, and he plans to monitor the proposal, especially with regard to parking and access.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the release of a highway bond to Mergan Nazi, Permit #457, in the amount of \$500.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval for the Highway Department to purchase a backhoe and skid steer from State contract, and to buy a salt brine applicator and trailer by means of a Request for Proposal.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of Rosenthal JCC of Northern Westchester to place a sign at the site of the “eagle” to publicize the Children’s Carnival scheduled for April 26 through May 3, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, approval of the request of the Green Acres Garden Club to place signs publicizing its Plant Sale on May 9, 2009, under the eagle, at the median between North Broadway and Route 22, and at Wampus Brook Park

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a \$1,200 donation from the Armonk Lions Club for a permanent recycling/trash container.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from Cablevision regarding a Music Choice Channel and programming changes.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, that the Supervisor be authorized to make the budget transfers that follow at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

Town Board Minutes
March 25, 2009

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an Inter-Municipal Agreement with Westchester County for the gift of a vehicle to the North Castle Police Department to be used to transport prisoners.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request for General Foreman Useted and Assistant General Foreman Jamie Norris to attend the Traffic Sign and Pavement Marking Workshop in Valhalla on April 9, 2009, and for Mr. Useted to attend a workshop for Storm Water Management on April 22 in Eastchester.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, that permission be granted for General Foreman Useted to attend Highway School given by the Association of Towns on May 31, June 1 and 2, 2009 in Ithaca.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the promotional appointment of Georgann Richardson to the position of Assessment Clerk, probationary, Assessor's Office, effective immediately. Supervisor Berman stated there will be no group or salary increase at this time.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt, with regret, of the letter from Nicholas Cerullo announcing that he will not be available for another appointment as a member of the Landmarks Preservation Committee. Dr. Cerullo has served on the LPC as a member and then chairman for thirty-two years. Mr. Cerullo's term expires May 17, 2009.

The roll call vote was as follows:

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

Noes: None.

The Town Board audited and approved payments totaling \$457,662.88 as indicated on Warrant #5.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:40 p.m. in memory of Manny Drago, a Town fixture as owner of *Manny's Haircutting* in Armonk; and former Byram Hills School District teacher Kathy Schultz.

Ann Leber, Town Clerk

March 30, 2009