

Town Board Minutes  
Town of North Castle  
American Legion Hall  
35 Bedford Road  
Armonk, New York  
on  
July 29, 2009

At 5:00 p.m. Supervisor Berman called the meeting to order and the following persons were present:

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

The meeting was immediately adjourned into Executive Session, which was then closed at 7:20 p.m.

Supervisor Berman reconvened the regular meeting at 7:30 p.m.

Councilman Weaver moved, seconded by Supervisor Berman, approval of the minutes of the work session and regular meeting of July 8; and the Special Meetings of July 15, 16, 20 and 27, 2009.

The roll vote was as follows:

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

Noes: None.

Abstentions:

Councilman Kittredge abstained on the July 15 and July 27 Special Meetings.

Councilman Geist abstained on the July 16 Special Meeting.

Councilman Schiliro abstained on the July 20 and July 27 Special Meetings.

The minutes of the Public Hearings which commenced at 7:35 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

- Per NYSDOT, the work on Route 22 between Maple Avenue and Route 120 should begin some time between the weeks of August 17 and August 31.
- NYSDOT work continues on Interstate Route 287 at multiple sites including the Lake Street Bridge; the North Broadway/Route 22 Bridge; the Westchester Bridge and the Wall G2 between Hadden Place and Main Street.
- A transportation referendum will take place on October 6th at H.C. Crittenden Middle School from 6 a.m. to 9 p.m.. A portion of the project is for a wash bay that will be shared by the Byram Hills School District and the Town of North Castle.
- *Music by the Brook*, is a series of free summer concerts in Wampus Brook Park, co-sponsored by North Castle Recreation and Parks and The Small Town Theatre Company. For more information, go the Town web site [www.northcastleny.com/calendar.php](http://www.northcastleny.com/calendar.php)
- Clerical departments are observing summer hours, working 8:00 a.m. until 4:00 p.m. through Monday, August 31. The Town Justice Court will continue with its usual hours and not observe summer hours.
- The North Castle Housing Board has announced that a two bedroom Middle Income Unit in Whippoorwill Commons, 20 Whippoorwill Road East is available. For more information, go to the Town website [www.northcastleny.com/whats\\_new.htm](http://www.northcastleny.com/whats_new.htm) or call the Housing Board Office at 273-4329.

Edward Nolan, Windels Marx Lane & Mittendorf, LLP, appeared on behalf of IBM regarding its application for a zoning amendment to create a new Office Hotel Business (OHB) District on a

32 acre parcel at its headquarters at 1 New Orchard Road in North Castle. Mark Gratz, Divney Tung Schwalbe LLP, provided background on IBM's 1995 subdivision of its 367.93 property, and its proposed subdivision which would involve a realignment of two lots to create a total of three lots and a transfer of density.

Councilman Kittredge moved, seconded by Councilman Geist, that the petition for an amendment to the zoning ordinance to create a new Office Hotel Business (OHB) District be received and referred to the Planning Board; and further requested that the Planning Board declare its intent to be Lead Agency.

The roll vote was as follows:

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

Noes: None.

Supervisor Berman read the following statement regarding the establishment of the Town Administrator position.

“We are here this evening to discuss the creation of the position of Administrator. We will not be voting on the position tonight because we want time to consider the comments and email that we have received.

“We began considering the administrator position more than a year ago.

“Support for creating the position at the June 25, 2008 work session was four Town Board members for and one against. To assure that we would be best informed about the relevant considerations, we followed up by creating a non-partisan and well informed group to study the issue and to prepare a report. We selected three Republicans, three Democrats and one unaffiliated North Castle resident to serve as members of the Administrator Review Task Force. The members had government, administrative, planning and financial experience. Some of the positions they held were: National Security Advisor to George H.W. Bush, two former members of the North Castle Planning Board, a School Business Manager, a CPA and managing partner of a large law firm in Manhattan, a City Planner, and one in Finance. At the March 11, 2009 Town Board meeting, this highly qualified Administrator Review Task Force unanimously recommended that the Town Board hire an administrator as soon as possible. They also recommended that we not hire any additional staff. These recommendations were made well after the economic downturn. Since the report was issued, we have publicized information on the administrator position in electronic and hard copy newsletters, on cable and in video segments, by a letter to all residents -- at no expense to the Town -- at this meeting, and will continue the discussion at the August 12<sup>th</sup> meeting.

“Here are the reasons the Task Force and I support creating the Administrator position:

“Because administrators are professionals trained in public administration, they have the expertise to deal with the complexities of Town Government, and most have many of years of experience. Our Town budget is now big business and demands a full time person. People with other jobs cannot give the Supervisor position the time it demands. With an administrator in place, the Supervisor position becomes part-time and allows many capable people with other jobs to consider becoming Supervisor. It also allows the Supervisor and the Town Board to focus on policy instead of the day-to-day operations of the Town. Next year, it is possible that only two of the current members of the Town Board will be in office; this is exactly the time that the stability and continuity of an administrator, who is not part of the election process, would be particularly valuable. But most of all, the reasons for an administrator are for the efficiencies, cost savings and improved governance that person would bring to our Town, regardless of who the Supervisor is. I have served on the Westchester Municipal Officials Association Executive Committee with many Managers and Administrators and have worked closely with several of them. I am the only one on the Town Board who has seen what these administrators know and contribute.

“The administrator's responsibilities are varied, but are primarily administrative and financial.

“Administratively, he or she would coordinate the work of departments, boards and committees, be the point person for large projects and would handle personnel issues on a daily basis. He

would save considerable money by coordinating purchases of equipment and services, which is not currently done efficiently. His attendance at certain meetings and execution of purchasing contracts are items we currently pay our town attorney to do. Examples are cable franchise agreements and the garbage contract. In these cases, money spent on the attorney could be spent on the Administrator instead.

“Financially, the Administrator prepares the budget and presents his recommendations to the Town Board. He also writes grants and negotiates the labor contracts. The money that we currently spend on labor attorneys or consultants and grant writers would be spent instead on the Administrator.

“The knowledge of government regulations, settlements by other municipalities, and awareness of what is happening with workman’s compensation, insurance, PERB, MS4 requirements and other relevant issues affecting Town governance generally exceeds what is known by even the best informed Supervisors.

“We will most likely vote on August 12<sup>th</sup> because if we do create the position we need to resolve the funding. We are currently working on the 2010 budget, and the administrator position would need to be budgeted for.

“Based on a 2008 survey of the 24 Westchester municipalities that have an administrator or a manager, the average salary is \$154,000. I would estimate the cost to North Castle with benefits to be approximately \$200,000. We are not planning to add an assistant or a secretary for the Administrator. Since the Supervisor position will be part time, it is assumed that the Administrator and Supervisor will share a secretary.

“Funding already exists for the Administrator. The Administrator would take over much of the work now performed by the Supervisor, Town Board members, attorney, labor and other outside consultants. Most of the cost for the Administrator would be covered by shifting expenses for that work from those elected officials and professionals to the Administrator. While compensation now paid to elected officials and professionals would be impacted, none of the funding would come at the expense of our department heads or rank and file employees. What I have suggested here comes close to paying for the position immediately, not taking into account savings from efficiencies, such as centralized purchasing.

“Based on my experience over the past years as a Councilman and Supervisor, I feel strongly that the Town would be better served by having an administrator. I make this suggestion with no motive other than providing North Castle with the best way to operate. This is not about whether I, or any of the current candidates for Supervisor, can do a good job. This is about the best way to govern our Town. Every other year three Town Board positions are up for election—two for Council and one for Supervisor. In two years, we may be looking at another big change in the elected officials on the Town Board. The Administrator offers the needed stability, continuity and expertise to help us through transitions. Let’s create the position of administrator as soon as possible, as was suggested by the Task Force. Should we find a way to make it happen during my term of service, I would gladly give up a large portion of my salary.”

Residents expressed their views on the establishment of the Town Administrator position.

Brandon Malloy, John Cronin and Linda Trummer-Napolitano said there would be benefits to having an Administrator, but thought that the position should not be established now due to economic conditions. Frank Benish, Conrad Keicher, John Cronin, John McGraw, and Diane Roth said the decision regarding the position should be made by the next administration or by the voters. Bob Tully, Hal Simmonetti, Howard Arden and Diane Roth said that more study was needed. Chris Carthy questioned if an Administrator would benefit the Town and said the Supervisor should be a full time position.

Tony Futia, Carol Hahn, Don Gregg, Barry Malvin, Mike Dritz, and Earle Yaffa said that the position should be established now. Some cited the need for expertise which none of the candidates for Supervisor has, as well as the time commitment needed, which the majority of candidates would not have since they run their own businesses. They also cited the need for better management of day to day operations, similar to the roles of school superintendents and CEOs; improved governance; and significant cost savings which would greatly exceed the

expenses of the position. Several said there would be a better pool of candidates for Supervisor if it were a part time position.

Councilman Weaver said he was opposed to the establishment of the position, stating that the Task Force should have looked at why most of the other towns in the County do not have Administrators. He said that New Castle does not seem to have benefited by having an Administrator. Mr. Weaver said time was needed to determine the benefits of the labor consultant and the Department of Public Works. He added that consultants should be used as needed, rather than hiring an Administrator who, he said, would request additional staff thereby adding to costs. Mr. Weaver said the position should be voted on by the next Town Board. He expressed his view that, with an Administrator in place, residents would not have as much contact with the Town officials whom they had elected. He said the current candidates for Supervisor are qualified because they are experienced in running businesses.

Councilman Kittredge said that given staff reductions, a hiring freeze, talk of closing Town offices and possibly instituting furloughs, at this time due to the financial situation, she would not be supporting the Administrator position.

Councilman Schiliro stated that he never makes a decision based on political motivation; he proceeds on any issue in the best interest of the Town. He said that with previous long term incumbent Supervisor there was built in continuity and experience which is needed by the Town for effective government. In regard to misconceptions about where he stands on the Administrator issue, Mr. Schiliro said he has not changed his view that there is a role for an Administrator based on his study of Town budgets from 1975 and his projections for future budgets through 2014. He said that if the Town had an Administrator in the past, some situations may have been avoided, such as years with zero percent tax increases which depleted the Town's reserve fund which is needed now. He said the Board could either hire a skilled, qualified Town Administrator or just hope that a qualified person is elected. He added that the Board could control the size of an Administrator's department. Mr. Schiliro said he has not finished analyzing the budget with regard to additional savings from having an Administrator, and is considering if it makes sense to come up with funds for the position in the 2010 budget. He added that it would be difficult for a new Board to know what decision to make, saying he would not have been able to assess if the Town needed an Administrator when he first came into office.

Councilman Geist said he will continue to take positions and to promote ideas, efficiencies and change until the last day of his term. Mr. Geist said to move forward the government needs to change and adapt to more efficiently deliver services at the rate residents are entitled to. He said that the concept of an Administrator is not new and it has been talked about for years as the Town became larger. He said it is impossible for a person with a career and family obligations to fulfill the demands of a full time Supervisor position. He said having an Administrator would not limit the pool of candidates for Supervisor but would attract more candidates. Mr. Geist said that the Task Force studied the issue in a complete and thorough manner, without any prejudice, interviewed all the Town Board members and the report echoes their comments and concerns. He said it is important to establish this position now in order to give the next Board the tools it needs. In closing he agreed with Councilman Schiliro that the new administration would not have the ability and experience to address the issue.

With regard to the request from the Valhalla Ambulance Corps for the Town to pay their NYS certification filing fee, Councilman Geist moved, seconded by Councilman Schiliro, authorization of an advance of \$500 from the General Fund to Ambulance District No. 1 with the agreement that the Ambulance District will reimburse this amount with interest to the General Fund in the next succeeding calendar year.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of correspondence regarding the Town Administrator position.

The roll vote was as follows:

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

Noes: None.

Town Clerk Leber said 26 e-mails and letters had been received in favor of the establishment of the Town Administrator, 42 against and three with no opinion. Town Clerk Leber and Deputy Town Clerk Pesquera, upon the request of writers, read aloud many of the e-mails and letters.

Supervisor Berman said that it is likely the Board will vote at the August 12 meeting whether to establish the Administrator position.

Councilman Kittredge moved, seconded by Councilman Weaver, to accept the recommendation of the Road Naming Committee that the new private street off Custis Avenue in North White Plains be named "Massaro Way".

The roll vote was as follows:

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

Noes: None.

Receipt of a letter from Director of Planning Kaufman regarding the request from the Weill Center (Citigroup) to amend the zoning ordinance to permit the center to be used by non-Citigroup business entities was tabled.

Councilman Geist moved, seconded by Councilman Kittredge, that letters from Lt. Peter Simonsen, Police Chief Robert D'Angelo and Frederick P. Clark Associates regarding the proposed improvements at the intersection of High Street and Sarles Street be received, and further moved that a public hearing be scheduled for September 23, 2009.

The roll vote was as follows:

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

Noes: None.

With regard to his letter regarding the Multi-Jurisdictional Multi Hazard Mitigation Plan, Mr. Kaufman explained that the Towns of Bedford, Lewisboro and North Castle have been awarded a grant to develop this plan. The funding for the plan will not exceed the total project cost of \$125,000, with 75% of the funds from FEMA. The Planning Committee is made up of citizen and government representatives from each of the three towns including Lt. William Fisher, Police Officer David Lander, NC4 Chairman Jane Cahn, and Adam Kaufman from North Castle. Pursuant to Requests for Proposals, the Committee has recommended that Tetra Tech EM, Inc. be selected to develop the plan.

Councilman Kittredge moved, seconded by Councilman Weaver, authorization for the Multi-Jurisdictional Multi Hazard Mitigation Planning Committee to begin negotiations and contract preparations with Tetra Tech EM, Inc. (Tetra Tech).

The roll vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Weaver, receipt of an e-mail from Lt. Simonsen regarding the measures taken to improve safety on Greenway Road at its intersection with High Street.

The roll vote was as follows:

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

Noes: None.

Resident Brandon Malloy expressed his concerns regarding additional safety issues in the area of Greenway Road and High Street. Councilman Kittredge suggested that Mr. Malloy meet with Lt. Simonsen, Superintendent of Public Works Fon and her to further discuss his concerns.

Pursuant to the request of Lt. William Fisher, Councilman Kittredge moved, seconded by Councilman Geist, approval for the Police Department to advertise and publicly sell, by sealed

bid, vehicles no longer suitable for police service due to high mileage and/or vehicle age. Lt. Fisher would include in the bid offer surplus vehicles from other departments, as well.

The roll vote was as follows:

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

Noes: None.

Pursuant to the request of Lt. Fisher, Councilman Kittredge moved, seconded by Councilman Geist, approval for the Police Department to sell old and surplus equipment using eBay so that the Town will benefit directly from the profits without paying a third party listing fee.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a mortgage tax update for June 2009 from Comptroller Donovan. This revenue source continues to be well below projections with \$35,000 reported for June.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make payment to Littler Mendelson, PC for June 2009 in the amount of \$1,738.75.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the request of General Foreman Useted for the release of highway bonds to Hayat Barakat, Permit #820 and Peter Coviello, Permit #853, each in the amount of \$500; Cully Construction, Permit #381 and United Solutions Inc., Permit #855, each in the amount of \$750; and approval to reinstate \$9,000 of the \$50,000 bond provided by Cablevision, for Permit #s 708, 729, 730, 733, 734, 806, 807, and 833.

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of the Armonk Chamber of Commerce to place a sign under the eagle to publicize its Sidewalk Sale on September 12, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from the New York Sate Environmental Facilities Corporation regarding the Engineering Agreement - Amendment 3 Eligibility, for the wastewater treatment plant upgrade for Sewer District No. 2.

The roll vote was as follows:

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

Noes: None.

Amy Mancini, 36 Reservoir Road, presented a proposal to hold Halloween Haunted House events at Rocky Ledge Swim Club on weekend nights in October 2009. Adam Kaufman said that the applicant would need to obtain a license from the Board, and recommended that Town Code, Chapter 83, Carnivals and Circuses, be reviewed and updated to modern safety standards

prior to the issuance of a license. Mr. Baroni said the Board should consider whether a public hearing should be held in order to give the public opportunity for comment.

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for Director of Planning Kaufman to draft language to modernize Chapter 83, including requirements for notification of adjacent property owners, for the Board's review at the August 12, 2009 Town Board meeting, at which time the Board would consider setting a public hearing for September 9 with notice to affected property owners.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Verizon and the final installment of the Initial PEG Grant in the amount of \$3,000 and the second annual installment of the Franchise Grant in the amount of \$2,400. Town Attorney Baroni said he will look into the Verizon query regarding a provision of Cablevision's previous agreement allowing for free cable service to libraries and schools.

The roll 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 HD programming channel changes.

The roll vote was as follows:

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

Noes: None.

Pursuant to a memo from Supt. Futia, Councilman Geist moved, seconded by Councilman Kittredge, permission to begin the bidding process for the Water District No. 4 - IBM North Well rehabilitation.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Anthony Futia regarding federal income tax withholding.

The roll vote was as follows:

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

Noes: None.

Pursuant to a letter from Receiver of Taxes Colombo regarding an Order of Judgment for Virginia Road Associates, 50 Virginia Road, North White Plains, Section 7, Block 1, Lot 15, for tax years 2003 - 2009, Councilman Kittredge moved, seconded by Councilman Schiliro, that Comptroller Donovan be authorized to issue a refund totaling \$12,087.50.

The roll vote was as follows:

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

Noes: None.

Councilman Geist abstained.

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

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of Workers Compensation Reports for Ken Gaska and Robert Candrea, Highway Department.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign an agreement retaining Fulbright & Jaworski, LLP, as bond counsel for the issuance of an EFC Clean Water Facility Bond in the amount of \$5,300,000.

The roll 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 O'Connor Davies Munns & Dobbins, LLP, Bennet Kielson Storch DeSantis Division, advising the Town of a \$5,000 reduction of the fee quoted for auditing the December 31, 2009 financial statements.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval for the Town to enter into an Intermunicipal Agreement for regional stormwater improvements with the eleven other member towns of the Northern Westchester Watershed Committee, and further moved that the Town is responsible for paying a one-twelfth share of the \$200,000 advanced by the Town of Somers to the firm of O'Brien and Gere, if the Town of Somers is not reimbursed with grant funds by the NYSDEC.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following Resolution authorizing the sale of 48 Chestnut Ridge Road to Jeffrey and Leslie Klein, Town Tax Map Designation, Section 2, Block 9, Lot 1.A, subject to Permissive Referendum:

RESOLVED, that the Town Board hereby authorizes the sale of 48 Chestnut Ridge Road (vacant property) which the Town of North Castle owns as a result of an In Rem Tax Foreclosure at a sales price of \$125,000.00 and that the Supervisor be authorized to execute all documents in connection with closing of title to same, subject to permissive referendum, and that the Town Clerk be authorized to publish a Notice of Permissive Referendum within ten (10) days hereof.

The roll vote was as follows:

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

Noes: Councilman Geist.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following Resolution authorizing the sale of George Smith Place to the New York City Department of Environmental Protection, Town Tax Map Designation Section 2, Block 1, Lot 11A13, subject to Permissive Referendum:

RESOLVED, that the Town Board hereby authorizes the sale of the captioned vacant property which the Town of North Castle owns as a result of a partial roadway dedication at a sales price of \$49,669.00 to the New York City Department of Environmental Protection, and that the Supervisor be authorized to execute all documents in connection with closing of title to same, subject to permissive referendum, and that the Town Clerk be authorized to publish a Notice of Permissive Referendum within ten (10) days hereof.

The roll vote was as follows:

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

Noes: None.

A letter of agreement with Ashpaugh & Sculco, CPAs , PLC, for analysis of cable television franchise fees, was tabled to the August 12, 2009 Town Board meeting based on Councilman Geist's concerns that the agreement was flawed and should include provisions for termination based on failure to perform and other safeguards to protect the Town if the work is not delivered to the Town's satisfaction. Supervisor Berman asked Councilman Geist to enumerate and forward all his concerns to her, copy to Town Attorney Barnoi, so that she can forward them to the other Towns that are participating in the audit.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter from North Castle Library Board of Trustees President Charles Bishop informing Supervisor Berman that the Board of Trustees recommends that the Town Board approve the changes to the CSEA Unit III labor contract.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the following resolution regarding the CSEA Unit III collective bargaining agreement:

WHEREAS, on July 20, 2009 representatives of the Town of North Castle and the Civil Service Employees Association, Inc. reached a "tentative agreement" pertaining to the terms and conditions of employment for the employees within the Town of North Castle Library bargaining unit for the period beginning January 1, 2009 through December 31, 2011, and

WHEREAS, before the "tentative agreement" can become effective it must be ratified by the employees within the Town of North Castle Library bargaining unit and by the Town of North Castle Town Board, and

WHEREAS, on July 24, 2009 the employees within the Town of North Castle bargaining unit ratified the "tentative agreement", now, therefore be it

RESOLVED, that the Town of North Castle Town Board hereby ratifies the above mentioned agreement, and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute the Collective Bargaining Agreement for the Town of North Castle Library bargaining unit for the period beginning January 1, 2009 through December 31, 2011, and be it further

RESOLVED, that the Town Clerk of the Town of North Castle hereby is directed to forward certified copies of this resolution to the appropriate Town officials.

The roll vote was as follows:

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

Noes: Councilman Schiliro

Councilman Kittredge moved, seconded by Councilman Geist, authorization for the Justice Court to apply to the NYS Office of Court Administration for a \$30,000 grant under the Justice Court Action Plan to increase court security and efficiency.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval for Police Chief D'Angelo to attend the International Association of Chiefs of Police Annual Convention on October 2-7, 2009 in Denver. The Town will pay the \$275 registration fee; the Chief will pay for transportation and lodging.

The roll vote was as follows:

Ayes: Councilmen Kittredge, Geist, Supervisor Berman.

Noes: Councilman Weaver and Schiliro

John Armentano, Farrell Fritz, P.C. representing the Weill Center (Citigroup), said he found the Board's explanation for tabling the scheduling of a public hearing regarding his client's request to amend the zoning ordinance to permit the center to be used by non-Citigroup business entities to be lacking. Saying that the Planning Board had a favorable opinion regarding amending Town Code, Mr. Armentano suggested that the petition was being delayed due to a separate tax certiorari issue.

Tony Futia requested that the process for transferring a small piece of property from one owner to another be made simpler, easier, and less costly. In response to Mr. Futia's question regarding the cost of the application review fee, Mr. Kaufman said it was an hourly fee and said he advises all applicants to be sure that the professionals they hire are knowledgeable about Town Code.

The Town Board audited and approved payments totaling \$ 826,615.88 as indicated on Warrant 13#

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:05 p.m. in memory of Ellen Popper and Robert Corso.

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Ann Leber, Town Clerk

Dated: August 11, 2009

PUBLIC HEARING

July 29, 2009

At 7:35 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from June 24, 2009 for the purpose of considering the NYCDEP Remediation Plan for Kaysal Court for Wetland /SWPPP/Flood Plain Activity Permit/Tree Removal Application Review.

The Town of North Castle Wetland Permit and Excavation Permit prepared by Kellard Sessions Consulting, P.C. for the NYSDEC Kaysal Court project was marked Exhibit "E" for the record.

Ryan Coyne, Kellard Sessions summarized the purpose of the NYCDEP's proposed project for wetland creation and buffer enhancements in North Castle as part of a remediation plan for the construction of an ultraviolet light disinfection facility in Mt. Pleasant. The property is located at two sites north and south of Kaysal Court. Mr. Coyne said that terms and conditions have been incorporated in the wetland and excavation permit resolution for the Board's review. He added that an agreement between the NYCDEP and the Town will provide for the future creation of public trails on the property.

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 Geist, that the Public Hearing be closed at 7:38 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration, and further authorizes the Supervisor to sign the resolution approving the wetland permit and excavation permit.

The roll call vote was as follows:

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

Noes: None.

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Ann Leber, Town Clerk

Dated: August 10, 2009

PUBLIC HEARING

July 29, 2009

At 7:38 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 July 29, 2009 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to amend Section 213-22.2.C(1) Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings and Section 213-22.2.B Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings to increase the basic amounts of Gross Land Coverage and Gross Floor Area.

By Order of the Town Board  
Ann Leber, Town Clerk

Dated: July 15, 2009  
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.

Letters from Director of Planning Adam Kaufman, dated February 20, 2009 and May 23, 2009, the proposed local law, a Full Environmental Assessment Form, and a Notification of Intent dated June 11, 2009 were marked Exhibit "D" for the record.

A letter from the North Castle Planning Board dated June 23, 2009 stating that the Board had adopted a positive recommendation, and a letter from the Westchester County Planning Board to Director of Planning Adam Kaufman, dated July 8, 2009, stating that the action is a matter for local determination were marked Exhibit "E" for the record.

Supervisor Berman summarized the Planning Board's recommendation to increase the basic amount of gross land coverage and the basic amount of gross floor area which would result in the majority of the oversight being conducted by the Residential Project Review Committee (RPRC) and reduce the number of applications which require Planning Board review.

Resident Lydia Rippstein asked whether the proposed increases would result in the proliferation of large houses on small parcels due to less green space being required around a house. Mr. Kaufman explained that the changes would not affect the set back requirements because there are special provisions for small lots which require higher percentages in the amount of house and land coverage than for large lots. Supervisor Berman added that the maximum amounts of gross land coverage and gross floor area would not be changing; only the basic amounts were being increased.

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 Schiliro, that the Public Hearing be closed at 7:45 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver commented that the Town has made progress in making the approval process easier, less expensive, and faster and will continue to look at ways to streamline the process.

Councilman Schiliro agreed and said the Town should continue to increase the type of projects that can be approved by the RPRC.

Councilman Geist moved, seconded by Councilman Weaver, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the adoption of Local Law 9 of the year 2009 to amend Section 213-22.2.C(1) Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings and Section 213-22.2.B Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings to increase the basic amounts of Gross Land Coverage and Gross Floor Area.

The roll call vote was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

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Ann Leber, Town Clerk

Dated: August 11, 2009

# TOWN OF NORTH CASTLE

## Local Law No. 9 For The Year 2009 (Adopted July 29, 2009)

A **local law** to amend Section 213-22.2.C(1) Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings and Section 213-22.2.B Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings to increase the basic amounts of Gross Land Coverage and Gross Floor Area

**Section 1.** Amend Section 213-22.2.C(1) Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings as follows:

| Lot Size                          | Basic Permitted Gross Land Coverage for One-Family Dwelling Lots <sup>1</sup><br>(square feet) | Maximum Permitted Gross Land Coverage for One-Family Dwelling Lots <sup>1</sup><br>(square feet) |
|-----------------------------------|--|--|
| Less than 5,000 square feet       | 50% of the lot area  | 50% of the lot area  |
| 5,000 to 9,999 square feet        | 2,500 plus 25% of the lot area in excess of 5,000 square feet                                  | 2,500 plus 30% of the lot area in excess of 5,000 square feet                                    |
| 10,000 to 14,999 square feet      | 3,750 plus 18% of the lot area in excess of 10,000 square feet                                 | 4,000 plus 24% of the lot area in excess of 10,000 square feet                                   |
| 15,000 square feet to 0.499 acres | 4,650 plus 15.5% of the lot area in excess of 15,000 square feet                               | 5,200 plus 18% of the lot area in excess of 15,000 square feet                                   |
| 0.5 to 0.749 acres                | 5,698 plus 11% of the lot area in excess of 0.5 acres  | 6,420 plus 15% of the lot area in excess of 0.5 acres  |
| 0.75 to 0.999 acres               | 6,891 plus 9.5% of the lot area in excess of 0.75 acres  | 8,050 plus 12% of the lot area in excess of 0.75 acres   |
| 1.0 to 1.999 acres                | 7,935 plus 7.5% of the lot area in excess of 1.0 acres   | 9,350 plus 9% of the lot area in excess of 1.0 acres   |
| 2.0 acres or more                 | 11,202 plus 5% of the lot area in excess of 2.0 acres  | 13,270 plus 7.5% of the lot area in excess of 2.0 acres  |

NOTES:

<sup>1</sup> Permitted gross land coverage limitations for two-family dwelling lots in the R-2F District shall be 25% greater than that permitted for one-family dwelling lots.

**Section 2.** Amend Section 213-22.2.B Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings as follows:

| Lot Size                          | Basic Permitted Gross Floor Area for One-Family Dwellings and Accessory Buildings <sup>1</sup><br>(square feet) | Maximum Permitted Gross Floor Area for One-Family Dwellings and Accessory Buildings <sup>1</sup><br>(square feet) |
|-----------------------------------|---|---|
| Less than 5,000 square feet       | 1,500 or 46% of the lot area, whichever is greater  | 1,875 or 50% of the lot area, whichever is greater  |
| 5,000 to 9,999 square feet        | 2,300 plus 14% of the lot area in excess of 5,000 square feet   | 2,500 plus 25% of the lot area in excess of 5,000 square feet   |
| 10,000 to 14,999 square feet      | 3,000 plus 11% of the lot area in excess of 10,000 square feet  | 3,750 plus 20% of the lot area in excess of 10,000 square feet  |
| 15,000 square feet to 0.499 acres | 3,550 plus 8.6% of the lot area in excess of 15,000 square feet   | 4,750 plus 15% of the lot area in excess of 15,000 square feet  |
| 0.5 to 0.749 acres                | 4,130 plus 5.8% of the lot area in excess of 0.5 acres  | 5,768 plus 10% of the lot area in excess of 0.5 acres   |
| 0.75 to 0.999 acres               | 4,760 plus 4.7% of the lot area in excess of 0.75 acres   | 6,856 plus 8% of the lot area in excess of 0.75 acres   |
| 1.0 to 1.499 acres                | 5,270 plus 3.6% of the lot area in excess of 1.0 acres  | 7,727 plus 6% of the lot area in excess of 1.0 acres  |
| 1.5 to 1.999 acres                | 6,053 plus 2.8% of the lot area in excess of 1.5 acres  | 9,034 plus 5% of the lot area in excess of 1.5 acres  |
| 2.0 to 3.999 acres                | 6,662 plus 2.3% of the lot area in excess of 2.0 acres  | 10,122 plus 4% of the lot area in excess of 2.0 acres   |
| 4.0 acres or more                 | 8,665 plus 1.5% of the lot area in excess of 4.0 acres  | 13,607 plus 3% of the lot area in excess of 4.0 acres   |

NOTES:

<sup>1</sup> Permitted gross floor area for two-family dwellings in the R-2F District shall be 1/3 greater than that permitted for one-family dwellings.

**Section 3.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 4.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 5.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: July 29, 2009