

Town Board Minutes
Town of North Castle
H.C. Crittenden School
10 MacDonald Avenue
Armonk, New York 10504

on
December 16, 2009

At 5:30 p.m. Supervisor Berman called the meeting to order 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 Kittredge was absent.

The meeting was immediately adjourned into Executive Session to discuss personnel and contractual matters. The Executive Session was closed at 7:00 p.m.

Supervisor Berman reconvened the meeting at 7:35 p.m. at H.C. Crittenden Middle School.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the minutes of the regular meeting of December 1, 2009 and the Special Meeting of December 9, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist abstained from the meeting of December 9, 2009.

The minutes of the Public Hearing which commenced at 7:50 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

- As a cost-saving measure, there are no mailed reminder messages to pay taxes. Deadline due dates are set by NYS law. Tax Receiver Patricia Colombo advises residents that, as January 31, 2010 is a Sunday, the Tax Receiver's office will be accepting school tax payments, without penalty, through Monday, February 1, 2010.
- The Board of Education for Byram Hills School District will be holding public hearings for the 2010-2011 school budget on January 12th and January 26th in the District Office. Both public hearings begin at 7:30 p.m. In addition, there will be Principals' Coffees on January 13th at Coman Hill School at 9:45 a.m., and on January 20th at Wampus School at 10:00 a.m.
- A one-bedroom Middle Income Unit is for sale at Whippoorwill Commons. For further information go to Town's Web Site and click on What's New or call the Housing Board Office at 273-4329. Applications are available at the Town Clerk's Office.

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of Anne Curran to the position of Town Clerk, effective December 17, 2009 – December 31, 2010.

The roll call vote was as follows:

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

Noes: None.

Judge Robert McGoey expressed his thanks to Supervisor Berman, Councilman Geist and Town Clerk Leber for their exemplary service to the Town. Judge McGoey then administered the Oath of Office to Anne Curran who thanked her predecessor Ann Leber for giving her the opportunity to serve as her Deputy for six and half years. With her family proudly in attendance, Mrs.

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Curran thanked the Board for its support and confidence. Town Clerk Leber presented Ms. Curran with her official Town Clerk nameplate. Supervisor Berman said she had worked with Anne on the Byram Hills Education Foundation and that Anne can make a seamless transition to the position of Town Clerk as no one else can.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the resignation of Anne Curran as a member and co-chairman of the Recycling Committee, effective immediately.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the appointments of April Paresi and Deborah Cerar as co-chairmen of the Recycling Committee, effective immediately, to serve at the pleasure of the Board. Ms. Paresi thanked Anne Curran for her great work on the committee.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of Superintendent Futia, Councilman Weaver moved, seconded by Councilman Geist, approval of the following change orders in connection with the wastewater treatment plant nitrogen removal project:

A&R Electric	Change Order E-1	\$ 39,581
	Change Order E-2	59,900
BMJ Construction	Change Order 1	283,200

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, authorization for Comptroller Donovan to make the following payments in connection with the wastewater treatment plant nitrogen removal project:

BMJ Construction Corp.	Payment No. 7	\$496,493.75
A & R Electric, Inc.	Payment No. 4	38,680.20
S & L Plumbing & Heating	Payment No. 5	6,175.00

The roll call vote was as follows:

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

Noes: None.

Christopher Carthy presented to the Board "The North Castle Farmers' Market Preliminary Business and Organizational Plan," which he had developed. The plan is an overview of how a farmers' market could be structured in North Castle. Saying that he is looking for the Board members' "blessing," Mr. Carthy asked the Board to review the plan and give him an indication if he is moving in the right direction. He asked that this item be placed on the January 13, 2010 agenda for discussion. Supervisor Berman stated that the placement of the item on the January 13th agenda would be a decision for the next administration.

The roll call vote was as follows:

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

Noes: None.

With regard to the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) regional entity implementation plan, Director of Planning Adam Kaufman said that the DEC has imposed requirements for additional phosphorus removal. These measures could cost more than \$800,000 annually, not including operation and maintenance. Although the first year is fully funded, subsequent years are not. CKWIC feels that the onus to improve NYC drinking water should not fall on local government and that this is just another example of an unfunded mandate.

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Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter and a grant application on behalf of the Town from KG&D Architects & Engineers for funding through NYSERDA. The \$225,615 grant, if received, will pay for the retrofit and/or upgrade of interior lighting fixtures in five Town-owned buildings.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of Town Clerk Leber, Councilman Geist moved, seconded by Councilman Schiliro, approval of the award of the bid for cleaning services for various Town-owned buildings to Empire Maintenance Services, Inc., the lowest bidder, in the amount of \$39,219 per year.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the donation of fifty new chairs, valued at \$1,700, from Sam Morell, to be used at the Hergenhan Recreation Center.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of the Contemporary Theatre Arts Workshop to place a sign under the “eagle” to announce its production of *Fame/Hurray for Hollywood* on January 15 – February 7, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted to release a highway bond to Valerie Drossman, Permit #931, in the amount of \$500.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from the Westchester County Department of Health with regard to inspection of the sewage treatment facility.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a memo from Comptroller Donovan with regard to the \$80,000 mortgage recording tax projection for November 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of Comptroller Donovan to process budget transfers prior to Town Board approval during year end processing.

The roll call vote was as follows:

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

Councilman Weaver moved, seconded by Councilman Geist, receipt of the Town Clerk's report for the month of November 2009.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a Notice of Claim from Sidney Ellner v. Town of North Castle and the matter was referred to the Town Attorney.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an information technology and network support contract with Sullivan Data Management for the year 2010. The amount of the contract is \$27,000, unchanged from 2009.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a \$4,000 proposal from O'Connor Davies Munns & Dobbins LLP to audit all non-payroll related expenditures in the Supervisor's 2009 budget codes.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a contract with Empire Consulting for drug and alcohol testing for Highway Department personnel.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the appointment of Betty Sanchirico to the probationary position of Deputy Town Clerk, effective January 4, 2010, at the budgeted salary of \$53,000.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, acceptance of the resignation of Jeannette Koster as Sustainability Coordinator for the Global Warming Task Force, effective immediately.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the resignation of Jim Olivo from the Global Warming Task Force, effective immediately.

The roll call vote was as follows:
Ayes: Councilmen Geist, Weaver, Schiliro and Supervisor Berman.

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Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, that the name of the Global Warming Task Force be changed to Sustainable North Castle.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the following appointments to Sustainable North Castle: Jean Goulet, Eileen Joy, and ad hoc members Peter Hughes of MBIA and Tom Manion of C.W. Brown.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, approval of the request of Marc DiFiore to carry over two weeks of 2009 vacation time to 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, approval to extend unpaid leave of absence for Charles Bucolo, Sewer and Water Department, from December 19, 2009 to February 19, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, permission for Comptroller Donovan to attend the GFOA Annual Meeting in Albany on March 24 – 26, 2010.

The roll call vote was as follows:

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

Noes: None.

Anne Curran read a letter from Ronnie Zeidenberg, resident and business owner, expressing her gratitude to Supervisor Berman, Councilman Geist, Town Clerk Leber and former Councilman and outgoing Planning Board member Gene Matusow for their years of service. Ms. Curran also read a letter from resident Caryl Hahn thanking Supervisor Berman for her service and for making town government more transparent, opening up communication, and creating a sense of cooperation. Ms. Hahn also thanked Councilman Geist and Town Clerk Leber for all their years of service.

Maggi Pack stated her appreciation to the outgoing and remaining Board members and to Town Clerk Leber.

Anne Curran read Barbara DiGiacinto's letter in which she commended Supervisor Berman for devoting an enormous amount of time and energy to the residents, businesses, and property owners of North Castle. Ms. DiGiacinto also thanked Councilman Geist, Town Clerk Leber and Gene Matusow for their dedication and service.

Gene Matusow said that he is most proud of his successful efforts to encourage Reese Berman, Gerry Geist and Ann Leber into Town government.

Anne Curran read a resolution in honor of Town Clerk Ann Leber and thanked Ann for all she has done for the Town and for the office of the Town Clerk by serving the residents in a professional and thoughtful manner, and for the training and example Clerk Leber offered to her over the years they worked together.

Ann then made her farewell remarks thanking the current and previous Town Boards, expressing her appreciation to department heads and staff, and recognizing the support of her office staff. Ann extended her best wishes to the new Board and new Town Clerk Anne Curran.

Councilman Weaver read a resolution in honor of Councilman Gerald K. Geist. On behalf of the Board and the Town, Mr. Weaver thanked Gerry for his many years of service.

Gerry made his farewell remarks thanking his former and current Town Board colleagues and Town employees, his family and friends, and the town's residents for the opportunity to serve. In closing, Gerry said that he will treasure his years of service.

Councilman Weaver read a resolution in honor of Supervisor Reese Berman. Councilman Weaver told Supervisor Berman that he had enjoyed working with her over the past four years and thanked Reese for her service to the Town.

Supervisor Berman thanked her fellow Town Board members, department heads, employees and volunteers; she recognized Gerry Geist for his many years of service and Ann Leber for her excellent work. She closed her farewell remarks by wishing Supervisor-elect Bill Weaver and the new Town Board the best of luck as they face the challenging year ahead.

Councilman Schiliro said the words of appreciation expressed tonight show the dedication and commitment of the outgoing Town officials. Mr. Schiliro said he wished he had had more than two years to work with Reese, Gerry and Ann.

Sharon Tomback, secretary to Supervisor Berman spoke of many sixteen hours days and the many challenges she and the Supervisor faced.

Councilman Weaver expressed his appreciation to Ann Leber for her assistance over many years and said that Ann will be truly missed.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to execute the Declaration of Covenants and Restrictions for the Armonk Square middle income units.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from Cablevision and payment of the second installment of the PEG grant in the amount of \$20,000.

The roll call vote was as follows:

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

Noes: None.

Upon the recommendation of Lt. William Fisher, Councilman Geist moved, seconded by Councilman Schiliro, approval to award the bids for sale of surplus equipment and vehicles to the highest qualified bidders. The total bid amount is \$5,656.96.

The roll call vote was as follows:

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

Noes: None.

The Town Board audited and approved payments totaling \$971,099.63 as indicated on Warrant #22.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:35 p.m. in memory of Veronica Smith, Nunzie Molino and Richard "Dick" Senita.

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December 16, 2009

Ann Leber, Town Clerk

Dated: December 31, 2009

PUBLIC HEARING

December 16, 2009

At 7:50 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from December 1, 2009.

E-mails from Walter Piecyk, James Simpson and Sam Morell were marked Exhibit H for the record.

Informing the audience that the tax rate had been reduced to 5.83% from 6.46% since the public hearing had been adjourned on December 1st, the Supervisor explained the changes that led to the reduction, illustrating her remarks with a Powerpoint presentation:

- One Highway Department employee went out on disability.
- The deputy supervisor stipend was eliminated.
- An additional \$3,000 was saved on the deputy town clerk salary.
- The projected mortgage tax revenue was increased by \$10,000.
- An additional \$17,500 from Recreation Concessions was moved to the General Fund.

Excerpts from the statement made by Supervisor Berman in response to comments made by Frank Benish at the December 1st meeting follow:

“At the December 1st Public Hearing on the Budget, Mr. Benish proposed 11 items that he stated would result in a \$1,767,774 savings. He said he expected us to consider and enact any of them which are feasible as soon as possible, and later in his memo “demanded immediate evaluations on his recommendations.”

“On behalf of the Town Board, I will respond to five of his proposals. I have asked department heads and the town attorney to respond to those solutions which directly address them and their departments.

- 1) 100% of Health insurance should be paid by Town Board members and the Supervisor. Mr. Benish says that this will save \$73,600. Three Town Board members will not be taking health benefits in 2010, and the Supervisor will be contributing 20%. Councilman Kittredge’s health benefits for 2010 will cost \$7,348; and the Supervisor-elect’s benefits, with his 20% contribution, will cost \$12,766. If they were to agree to pay the full cost of their coverage, the savings would be \$20,114, not \$73,600 as Mr. Benish argues.
- 2) 50% of health insurance should be paid by all non-union employees, exclusive of Town Board members. Mr. Benish estimates the current cost to be \$633,800, and that the 50% contribution would result in a savings of \$316,900. The current cost is \$292,092.42, not \$633,800. Moreover, though some contribution in the future may be considered, a 50% contribution is too large, especially at a time when these employees have seen their salaries frozen for 2010.
- 3) Eliminate all stipends. Mr. Benish says this will save \$61,193. However, this figure includes the \$5,530 stipend for Elections Registrar which is reimbursed by Westchester County. We have been working toward eliminating other stipends. One that will be eliminated is the deputy town clerk’s communications stipend with a savings of \$5,465, which has already been calculated in the budget. Other stipends are paid for work that is done over and above the employee’s regular job, is not included in the employee’s job description, and is performed outside of the regular work day. For example, televising these night meetings and doing the follow up tasks necessary to get them on TV is not part of the custodian’s job, is done outside the custodian’s regular work hours, and is in addition to his full day’s work as custodian. Similarly, attendance at these night meetings to take notes for the official minutes is not part of the deputy clerk’s job, is done outside the deputy clerk’s regular work hours, and is in addition to her full day’s work in the Clerk’s office. If the Town did not pay stipends for this work, we would have to go to the expense of bringing in additional personnel to work at night.
- 4) Mr. Benish says that a 10% pay cut for all department heads would result in approximately \$101,473 savings, based on 2010 salary schedule. The police chief’s

salary is part of the police contract and cannot be changed. The department heads had a 2% increase in 2009 and no increase for 2010. This Town Board will not consider a 10% pay cut for all department heads because we need to keep our good people in place.

The combination of the proposals to have department heads pay 50% of health benefits and take a 10% pay cut is unreasonable and would result in the loss of many of our most valued employees. Using the Director of Library as an example, her current salary is \$104,421. She contributes 20% toward her health insurance now. If we were to enact what Mr. Benish proposed, she would lose \$15,233 in pay and benefits. That is too severe a cut.

- 5) Elimination of all take home vehicles and provide mileage reimbursement. Mr. Benish proposed no savings for this suggestion. This year we reduced the number of take home vehicles from 14 to 7. Two of the remaining ones are in the police department and another one is taken to North White Plains to be there for emergency purposes. The other four vehicles were part of pay packages that my predecessor negotiated with the individual department heads. Arguably, we could try to renegotiate those agreements, exchange the vehicles for salary increases and provide mileage reimbursement, but in all likelihood, that would not be cost effective.

“I have asked the Chief of Police, the Superintendent of Public Works, the General Highway Foreman, and the Town Attorney to respond to the other items Mr. Benish proposed.”

Lt. William Fisher read aloud a letter from Chief D’Angelo explaining that it would not be possible to realize the \$516,611 saving projected by Mr. Benish if all detective resources were absorbed by the county or state.

Highway General Foreman Craig Ussted addressed Mr. Benish’s suggestion that the position of assistant general foreman be eliminated and that the general foreman position be shared with one road maintenance foreman, thus saving \$262,350.38. He demonstrated why such changes in personnel would have a negative impact on the quality of work in his department.

Supt. of Public Works Richard Fon commented on Mr. Benish’s suggestions that his position and the code enforcement officer position be eliminated and that the code enforcement officer and assistant building inspector positions be merged, saving the Town a total of \$261,545. He said that unfunded state mandates and the need for more enforcement have placed a heavier load on his department, and that additional staff reductions would have a negative impact on performance. He added that, since he assumed his position at the end of 2008, his salary has not increased, plus he has implemented many cost saving measures.

Town Attorney Mr. Baroni responded to Mr. Benish’s suggestion that the outside town attorney position and labor consultant positions be eliminated, saving \$186,083 if they are replaced with an in-house attorney at a salary of \$125,000 with benefits. Stating that his firm represents four towns in addition to North Castle, Mr. Baroni explained that his firm covers the cost of salaries of support staff, insurance, law library, infrastructure and continuing education. He said that he believes that an in-house legal department would at least double the Town’s costs.

Supervisor Berman continued with her remarks:

“We have done as Mr. Benish requested and evaluated all of his solutions. I commend Mr. Benish on trying to come up with solutions as opposed to simply criticizing the Town Board. However, in some cases such as a 10% pay cut and required 50% contribution to health benefits for department heads, his solutions are too harsh. In some cases, such as the elimination of the detective positions or the outside attorney, his solutions provide no savings and could be more costly. In some cases, such as greater contributions to health benefits, that is something that the next Town Board can review. When we proposed a change in health benefits at a November Town Board meeting, we were chastised for raising something that belongs to the next Town Board. In some cases, such as the elimination of the position of Superintendent of Public Works and the code enforcement officer, that would reduce the building department to a place where it would be ineffective and almost non-operational. Additionally, the position of Superintendent of Public Works was created to streamline

operations and ultimately, upon retirement of heads of two departments, would result in the elimination of two positions.”

The following memo from Supervisor Berman to Tony Futia in response to his letter of December 2nd was entered into the record:

“To: Tony Futia
From: Supervisor Reese Berman on behalf of the Town Board
Re: Response to December 2, 2009 Memo

“In your Dec. 2 memo you posed questions about the public works department, employees taking home town-owned vehicles, and the status of the supervisor and town board members as full-time “politicians”, by which I assume you meant full-time “employees”. You also requested that your questions be “duly answered” at this meeting. Please see responses to your question and the attached documents.

“Public Works Department

“Councilman Schiliro has provided the list of the public works department’s forty projects and the fourteen completed projects that you requested. It is attached; but there are actually 51 projects proposed with 17 completed.

“You asked when the Town Board approved the Superintendent of Public Works using his personal vehicle for town use. I asked the Town Attorney for his response, which is, *“I don’t think a resolution is required. His town vehicle broke and could not be economically repaired, and the Town Board decided not to budget for another vehicle. Implicit in that decision is that he (Rich) has to use his personal vehicle.”*

“You also asked how the mileage calculations resulted in a \$2800 line item in the 2010 budget for mileage reimbursement. Rich Fon’s response is attached.

“When personal vehicles are used, a mileage log must be maintained. Rich will be reimbursed for what he claims, and \$2800 is his best estimate based on the above calculations.

“You state that “when a private vehicle is in use for town purposes, insurance to protect the town must be in place...” This is the Town Attorney’s response: *“As expected, the town's insurance managers confirm that the town carries "non-owned automobile liability insurance". This means if a town employee is involved in an automobile accident while within the scope of employment, that employee's personal auto insurance provides the primary insurance, and the town's liability insurance (both basic and umbrella) is layered on top of the primary coverage. Employees regularly using personal automobiles for town-related work should be required to provide copies of their respective automobile policies annually to the Finance Dept.”*

“You ask what the Public Works Superintendent did to find money to keep the library open on Monday nights in 2010. The answer is that he proposed eliminating payment to a private landscaper to maintain the library grounds and instead have it done in-house. That savings was sufficient to reopen the library.

“Employees – Town-Owned Vehicles

“I have attached copies of the written agreements with the town for all employees taking home town-owned vehicles for 2009 and 2010.

“Town Supervisor & Town Board

“You request that “full-time” be removed from two budget lines for Supervisor and Town Board. According to the Town Comptroller, the words “full-time” were part of earlier coding that existed before she was employed here. She has removed them from the preliminary budget, and they will not appear on the final budget. In any event and as I made clear at the December 1 meeting, the allegation in your lawyer’s November 20 letter that the Town has engaged in “the practice of claiming that elected officials are full-time employees in the annual Town budget so

that they can receive credit for as having been full time municipal employees in the State retirement pension program” is totally erroneous.”

Superintendent Fon said that as a precondition of his employment, he was told he would have a Town owned vehicle because he would need to be available 24/7. Mr. Fon said that he has voluntarily given up the Town vehicle and submits documentation for mileage reimbursement for his own vehicle. He said he is returning his Town phone and purchasing his own phone which will have the plan needed to handle Town business by text and e-mail. He added that he has been paying for the education courses required for his position and has purchased his own business cards.

Susan Olivo, Middle Patent Road, observed that school taxes comprise 70% of property owners' total taxes, thus having a greater impact on tax bills. In response to a resident's comment at the last meeting that 100 homes were not built as a result of the moratorium, she projected that those 100 homes would have placed greater demand on and additional cost for service such as police and school facilities. Ms. Olivo thanked out-going Supervisor Berman, Councilman Geist and Town Clerk Leber and complimented the Board for its efforts -- always in the best interests of the Town.

Bob Romano, Palmer Place, said he could hear in Supt. Fon's remarks the frustration of the employees whose efforts to save money do not seem to be appreciated. He added that he Town Board has done everything reasonable and prudent without sacrificing services and should be commended. Mr. Romano praised the retiring elected officials for doing an outstanding job.

Commenting on the remarkable services provided by the Town, Tony Mountford, Mianus Drive, said that excessive criticism could have a negative impact on the Town, making it a less desirable place to live. He complimented the contributions of each elected official.

Bill Feldman, Finch Lane, complimented the Town for producing such an informative and complete budget document.

Len Mitchell, Oregon Hollow Road, commended the Board for addressing the questions and suggestions made at the December 1st public hearing. He noted that the Board had worked long and hard to cut the budget and urged its passage. Mr. Mitchell asked that the Board members keep an open mind to fresh ideas, particularly the hiring of a town administrator. He thanked the Town officials for “doing the work for the rest of us.”

Rick Koh, Pheasant Drive, commented on the current economic climate and its impact on Town finances. He also spoke of the zero increase budgets in the past which have affected the Town today.

Michael Fareri, Round Hill Road, thanked Supervisor Berman, Councilman Geist and Town Clerk Leber for their efforts and dedication. He emphasized the revenue side of the budget and the relationship of assessables, assessed value and the equalization rate. Mr. Fareri claimed that the problem with the Town's revenue is, not the economic climate, but that income has been suppressed. He predicted that the projections for mortgage tax and sales tax revenues will not be met, leading to possible tax increases in 2011 of 13 to 18%. Mr. Fareri blamed delays at the various Town boards for depressed income levels. He questioned the savings that could be attributed to discontinuing the leaf vacuuming program and said that labor contracts need to be adjusted to be more in line with the private sector.

Disagreeing with Mr. Fareri's assumption regarding the loss of assessables when commercial projects were held up during the moratorium, Supervisor Berman said the moratorium was for residential subdivisions primarily and, in fact, those commercial developments already in the pipeline were not affected. She enumerated the projected savings realized by the changes in the leaf pick up program, such as free mulch and topsoil for residents and the Town, not having to pay for grinding the leaves, and staff reductions.

Councilman Schiliro explained in detail the savings attributed to discontinuing the leaf vacuuming program. He said the Town is trying to do more with less.

Sue Shimer, Pond Lane, commented that some of the commercial developments were not stalled by the moratorium but by other factors. Seven Springs could not proceed because of legal proceedings in connection with an emergency access road; and Armonk Square was stalled over the years by multiple changes in ownership. Commenting on the departure of Supervisor Berman and Councilman Geist, Ms. Shimer said she hopes the new Board members will consider what is best for the Town today and into the future.

Frank Benish, Sterling Road North, again commented on his ideas to save the Town money. They included:

- Town health policy should be more like that in the private sector.
- Stipends for additional duties are like political handouts; job descriptions should reflect all duties.
- Staffing needs to be evaluated by conducting a salary study.
- Despite Chief D'Angelo's letter, the detective bureau could be outsourced.
- If General Foreman Useted in is the field, the Highway office assistant could dispatch crews.
- Actual savings made by Superintendent Fon should be made available.
- The Town Attorney's firm representing other towns is a conflict of interest and that the Town should hire an in-house attorney. (When he asked Mr. Baroni if he is paid for attending each Town and Planning Board meeting, Mr. Baroni responded that he is not – the meetings are included in the retainer agreement amount which has not been increased since 2003.
- Part time employees do not deserve full time benefits.

Lisa Dorfman, Memorial Lane, complimented Supervisor Berman and Councilman Geist on their honor and tenacity. She expressed her concern about the objectionable behavior of residents at past Board meetings and deplored personal attacks and the dissemination of false information.

Edward Lobermann, Nethermont Avenue, complimented Supervisor Berman, saying there is no one more hard working; he mentioned Councilman Geist's insight and professionalism and cited Town Clerk Leber for being so helpful and cooperative. He then stated his disappointment that the Board had not made reductions in retirement and health benefits. Mr. Lobermann emphasized his belief that part time employees are not entitled to full time benefits for life and that stipends should be eliminated. He urged the Board to remember those people in Town who cannot afford tax increases. Mr. Lobermann suggested that, in future budgets, there should be a separate line item for the number of employees and the amount of money spent for part time active and retired employees.

Tony Futia, Custis Avenue, thanked the Town Board for its service and Supervisor Berman, in particular, for her open door policy. He mentioned that he has been questioning for many years the benefits given to part time employees such as the supervisor and town board. Mr. Futia questioned whether the Town had properly established a standard work day for elected officials and then required them to report their days worked in accordance with the guidelines established by the New York State Retirement System. He then objected to part of Supt. Fon's salary being charged to the special districts as funds cannot be expended for services not rendered.

Councilman Weaver said that a cost saving goal of the Town is to combine services. He noted that the special districts are not billed when other departments help the Sewer & Water Department.

Mr. Futia continued, stating his belief that the Town Board should not receive dental and vision benefits.

As a former Town Justice, Sue Shimer defended the necessity for a local detective bureau based on the need for quick response time.

After all persons were heard who desired to be heard, Councilman Geist moved, seconded by Councilman Weaver, that the public hearing be closed at 10:38 p.m.

The roll call vote was as follows:

Ayes: Councilman Geist, Weaver, Schiliro, Supervisor Berman
Noes: None

Councilman Geist moved, seconded by Councilman Schiliro, adoption of the 2010 Town budget, as amended.

The roll call vote was as follows:

Ayes: Councilman Geist, Weaver, Schiliro, Supervisor Berman
Noes: None

Supervisor Berman stated that the Town Board worked to create a structurally sound budget that does not rely on the fund balance that does not overestimate revenues nor underestimate expenditures. She believes that the Board has produced such a budget.

Councilman Geist moved, seconded by Councilman Schiliro, adoption of the Special District budgets.

The roll call vote was as follows:

Ayes: Councilman Geist, Weaver, Schiliro, Supervisor Berman
Noes: None

Ann Leber, Town Clerk

Dated: December 28, 2009