

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 13, 2011

Supervisor Weaver called the meeting to order at 6:05 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

Three topics were discussed in the Work Session:

- 1) Hot Box – Superintendent of Public Works Fon recommended that this equipment be purchased for road repairs. He said that Highway crews using Hot Box will be able to permanently fill potholes during cold weather months. This would be a significant improvement to temporary “cold” patching and will reduce labor and material costs associated with repeat repairs. He presented a cost analysis to justify the \$26,200 expenditure. Supervisor Weaver said that the cost cannot be shared with other municipalities although we can explore sharing equipment with other Towns. The Supervisor stated he was in favor of the purchase as a means to reduce labor and improve repairs; he suggested that FEMA reimbursement money could be used to offset the cost. Town Attorney Baroni stated that it is permissible to share equipment with other municipalities and that the Town must go out to bid for this purchase.
- 2) Washington Avenue Retaining Wall – A plan for proposed buttresses at 72 and 74 Washington Ave., No. White Plains was reviewed. The residents of the properties own walls that must be fixed and they request the placement of the retaining wall on Town property. Town Attorney Baroni stated that a license agreement would be required and the Town would be listed as additional insured.
- 3) Allowing RPRC to Grant Building Permits for Commercial Properties – Planning Director Kaufman stated that the Residential Project Review Committee (RPRC) could expand to include commercial review, but if that were to happen, he questioned how to draw the line between this group and the Planning Board. Diane Roth suggested that the ARB and Conservation Board meet more often and she suggested changing the RPRC name to Fast Track. Supervisor Weaver asked Adam Kaufman to set up a meeting with Conservation Board Chair, John Fava, and Town Engineering Consultant, John Kellard, to discuss ways to speed up the approval process.

The work session was adjourned into executive session at 6:55 p.m., which was then closed at 7:15 p.m. The regular meeting was reconvened at 7:35 p.m.

Supervisor Weaver presented a proclamation to Peg Michelman, outgoing Planning Board Chairman, in appreciation of her many years of service to the Town and the community. Ms. Michelman thanked the Town Board for their support and commended the Town professionals and consultants.

Supervisor Weaver introduced Susan Snyder, Superintendent of Recreation. Ms. Snyder spoke about her many years of experience in Recreation, including the last 16 years in Westchester County. She said her first priority will be to focus on summer programs and she looks forward to meeting residents and working to improve and expand the Town’s recreation programs.

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Alan Kassay, Partner, O'Connor, Davies, Munns & Dobbins, LLP, presented highlights of the 2010 Comprehensive Annual Financial Report. Mr. Kasay said that the Town received an unqualified opinion which is the best opinion which can be given by the auditors. The Town also received a Certificate in Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the fiscal year ending December 31, 2010 from the Government Finance Officers Association. Mr. Kasay said that in 2010 the Town's fund balance was increased by \$1.1 million to a total fund balance of \$2.3 million.

The Comprehensive Annual Financial Report for 2010 and the Town Justice Court Report for 2010 were received on the duly adopted motion of Supervisor Weaver.

Councilman Schiliro moved, seconded by Councilman Kittredge, approval of the minutes of the Town Board meeting on March 23, 2011.

The roll call vote was as follows:

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

Noes: None.

Supervisor Weaver said that the public hearing to consider the zoning petition to amend Town Code to allow assisted living communities as a special permit use within PLI Zoning District would not be held at tonight's meeting, but would be rescheduled.

Supervisor Weaver said that the public hearing to consider the zoning petition to permit Luxury Dog Hotel/Resort as a permitted principal special permit use within the CB-B Zoning District was cancelled and would not be rescheduled.

Director of Planning Adam Kaufman presented highlights of the Preliminary 2010 U.S. Census Data. Mr. Kaufman reported that the Town's population has increased to 11,841 persons in 2010, representing a population increase of 9% between 2000 and 2010, the third highest increase in Westchester County. The Town experienced a growth in housing units from 3,706 in 2000 to 4,135 in 2010.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Edward Berman, Chairman of the Board of Ethics, regarding the referral, from the March 23, 2011 Town Board meeting, of a letter from Sara Doto. Mr. Berman's letter was read by Town Clerk Curran.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of letter from Veneziano & Associates, granting a further extension, through April 27, 2011, for the Board to render a decision on the special use permit application for 7 Round House Road.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of FEMA Federal Disaster Reimbursement funds for emergency response to the severe storms and flooding in March, 2010, in the amount of \$10,646.79.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Notice of Completion of a Draft Environmental Impact Statement (DEIS) and Notice of SEQRA Hearing for Park Place at Westchester Airport parking garage.

The roll call vote was as follows:

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Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of letter from Mark Miller, Veneziano & Associates, requesting that the public hearing regarding the zoning petition for 90 Business Park Drive, to allow assisted living communities as a special permit use within the PLI Zoning District, previously scheduled for April 13, 2011 be rescheduled. It was further moved that the public hearing be rescheduled for May 11, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from T-Mobile Northeast LLC regarding installation, access to and maintenance of the Custis Avenue Water Tank Antenna Facility.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of the request from Town Clerk Curran to close her office for most public transactions and telephone communications on April 21, 2011, 12 noon to 4:30 p.m., for records management in connection with the Clerk's project to create and catalogue digital records.

The roll call vote was as follows:

Aye: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign Amendment No. 6 to the agreement with Stearns & Wheler, in the amount of \$16,900, for the completion of the Scope of Services related to the nitrogen removal facilities at the Wastewater Treatment Plant.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Pursuant to the recommendation of Assistant Superintendent Sal Misiti regarding the proposal for a water rate increase in Water District No. 1 based upon levels and type of usage, Councilman Roth moved, seconded by Councilman Kittredge, that a public hearing be scheduled for May 11, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

A letter from Paul F. Attaguile, Esq. regarding the petitions to connect properties at 96 and 98 Cox Avenue to Sewer District No. 2, as per the recommendation of the Sewer Capacity Task Force, was received on the duly adopted motion of Supervisor Weaver.

Town Clerk Curran read a letter from Dominick DiMartino commending Police Officer Anthony Patti for the service he provided to his mother.

Town Clerk Curran read a letter from Sue Coppola commending Police Officer Thomas McCormack for the service he provided to her husband.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Town's Attorneys to execute the Consent Judgments in the following matters: Pepsi Co., Inc. – Index No. 17643/05 et al. and Interlaken Capital Aviation Services, Inc. – Index No. 17642/05 et al.

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The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Notice of Petition and referral to Town Attorney regarding 32 St. Mary's Church Road. LLC vs. the Zoning Board of Appeals of the Town of North Castle and Jonathan & Jennifer Bennis.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of Notice of Claim and referral to Town Attorney regarding Susan Mignone vs. the Town of North Castle.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of Notice and referral to Town Attorney of Commencement of Action, regarding Donato A. Fraioli, Jr. vs. Armonk Baseball and Town of North Castle.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of the Town Clerk's monthly report for March, 2011.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of memos from Comptroller Jacobson and authorization for the Supervisor to make the budget transfers and amendments that follow at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for Supervisor to sign an agreement with Environmental Capital LLC regarding financial advisory services in connection with Bond Anticipation Note financing.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign an agreement with Dolph Rotfeld Engineering for services in connection with the Water District No. 6 Extension, per the hourly fee schedule for 2011 in the agreement.

The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter of resignation from Sewer & Water Superintendent, Anthony Futia, effective no later than June 30, 2011.

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Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt, with regret, a letter of resignation from Police Officer Kenneth Maurer effective April 26, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of terminal leave pay for Police Officer Franklin Thomas.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the reappointment of Christopher Tuzzo to the Architectural Review Board for a term to expire September 13, 2013.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, appointment of Mary Beth Weisner to the Library Board for a term to expire on December 31, 2015.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the following reappointments to the Conservation Board, each for a term to expire April 8, 2013: Peter Limburg, Lawrence Nokes and Zenaida Bongaarts.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, the reappointment of John Stamatov to the Conservation Board for a term to expire April 8, 2012.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, to table the appointment of Lee Wagner to the Conservation Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, the scheduling of a public hearing for May 11, 2011 to consider a change in Architectural Review Board by-laws to reduce the number of Board members from seven to five.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Ross, Cronin, Supervisor Weaver
Noes: None

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Councilman Schiliro moved, seconded by Councilman Roth, to extend the appointment of Diane Jacobson, Town Comptroller, to May 20, 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, the following items on the consensus agenda:

- Receipt of a Workers Compensation Report for a Highway Department worker.
- Approval of the request of Assistant General Foreman Norris for release of bond to Walter Schrank, Permit 534, in the amount of \$1,000.

The roll call vote was as follows:

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

Noes: None

The Town Board audited and approved payments totaling \$908,566.84 as indicated on Warrant #6.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:05 p.m. in memory of Richard Gay, husband of Marietta Gay, former member of Conservation Board and Town employee, George Sickles, resident, Marvin Krantz, father of Rabbi Douglas Krantz, and the mother of Assemblyman Robert Castelli.

Anne Curran, Town Clerk

Dated: April 25, 2011