

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
June 26, 2013

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D’Angelo and immediately adjourned into executive session. All Town Board members, the Town Attorney and Town Administrator were present for the executive session which closed at 7:20 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 p.m. and the following persons were present:

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro
	Diane DiDonato Roth
	John J. Cronin
	Stephen D’Angelo
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Supervisor Arden presented plaques to the following Girls and Boys Staters in recognition of their distinguished achievement and participation in the program, sponsored by the American Legion Post 1097, which provides Byram Hills High School students the opportunity to study the practice of democratic principles and governmental affairs. Mr. Vincent Greco introduced each of the Staters:

Boys: Jack Hatheway, Samuel Poritzky, Justin Pollack
Girls: Melanie Lowenstein

The minutes of the public hearing that commenced at 8:05 p.m. follow at the end of these minutes.

There was a lengthy discussion regarding the latest revision to the draft local law to amend zoning of an area of approximately 14.7 acres located along the northerly side of Banksville Avenue. Objections to the revised content of the draft local law and the late circulation of same were heard. The Board instructed Planning Director Kaufman to meet with Charles Banks, legal counsel to commercial property owners, and representatives of the residential property owners to finalize accessory use changes, and to bring that draft back to the Town Board for consensus and eventual referral to the Planning Board.

Regarding the revised local law amending Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to add standards designed to preserve the visual character and views along three of the Town's scenic and historic roadways (East Middle Patent Road, Mianus River Road, St. Mary's Church Road), Councilman DiDonato Roth moved, seconded by Councilman Schiliro to refer to the Planning Board for recommendation.

The roll call vote was as follows:
Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden
Noes: None

Alison Simon, Coordinator of Cable TV and E-Communications presented an update on work being done by her and the Communications Committee; highlights included:

- A mobile version of the Town website will be redesigned for easier use and accessibility.
- The development and practicality of a Town Facebook page has been explored.
- New camp videos and informational videos on organ donation awareness have been created.
- A video on the Town’s use of the Nixle emergency notification system is in development.
- Discussion is underway with volunteers working on the Eagle restoration project, to explore how to educate residents on the scope of the project and its historical significance.

Ms. Simon stated that the Communications Committee would like guidance from the Town Board concerning the Committee’s role regarding the introduction of candidates for the upcoming Town

elections. Councilman D'Angelo asked that the topic be discussed with the Board before the Committee proceeds with any communication concerning candidates for office.

Alex Katz, a recent Byram Hills High School Intern, gave a presentation on the practicality and potential benefits of developing a Town of North Castle Facebook page. The presentation emphasized that a Town Facebook page would be a cost effective way to raise awareness about the community and events; with the ability to restrict those who could post on the page.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, approval of request from Co-Chair of 52nd Annual Armonk Outdoor Art Show for the Friends of the North Castle Public Library, Inc. to use Community Park facilities September 28 and September 29, and to place their sign advertising the show for the two week period from September 15 to September 29, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Town Administrator Goldberg to get bids for shingle roof replacement at the Town Hall Annex building, 17 Bedford Road, Armonk.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the adoption of a resolution designating the Town Clerk to receive Notice of Claims served upon the Secretary of State. The resolution follows:

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It

RESOLVED, that the Town Board of the Town of North Castle, County of Westchester, designates Anne Curran, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 15 Bedford Road, Armonk, New York 10504 and email at townclerk@northcastleny.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to schedule a public hearing for July 10, 2013 to consider a local law to establish the position of Police Commissioner.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

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Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to make the budget transfers that follow at the end of these minutes as requested by Comptroller Faith Berland.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Regarding the consideration for bicycle facility improvements, Councilman DiDonato Roth moved, seconded by Supervisor Arden, receipt of the following:

- Proposed Planning document
- Proposed Map – Phase I
- Proposal from F.P. Clark Associates regarding Study Phase I – Development of Bicycle Planning Policy and Facility Locations.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin to authorize the Supervisor to sign an agreement with F.P. Clark, or another vendor, for an amount not to exceed \$9,500 for the study and development of Phase I (Old Route 22-Wampus Loop) of the bicycle lane/path.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign Amendment B to the Municipal Snow & Ice Agreement with NYS DOT for year 2012-2013 which includes a total reimbursement of \$149,136.12 to the Town.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to execute Zeng Drainage Easement in favor of the Town for 14 Faraway Road, Armonk.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an Agreement with KVS Systems, Inc. for General Ledger Upload System for use in Finance Department at a cost of \$2,000.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of terminal leave pay for James Ross, Highway Department.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Police Chief, William Fisher, for Sargent Timothy See and Sargent Brant Sammann to attend TASER recertification course in Valhalla, NY, on September 13, 2013, at a cost of \$175 each.

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The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D’Angelo, ratification of provisional appointment of Kimberly Barbieri, part-time Personnel Manager, up to 16 hours per week, at the wage of \$30 per hour, effective June 17, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D’Angelo, approval of the following resolution:

Be It Resolved, that Michael Cromwell, shall receive an annual stipend of \$7,000, as acting building inspector, retroactive to 1/1/2012;

Be it further resolved that any O/T (overtime) paid for meeting attendance in 2012 and 2013, as approved by Town Administrator Goldberg, shall be deducted from the payment.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden

Noes: None

The consensus agenda that follows was approved on the duly adopted motion of Councilman DiDonato Roth:

- Approval of request from General Foreman Norris for release of bonds as follows:
 - o Cablevision – Permits 0736, 1014, 1049 and 1051 for right of way work at various locations in the amount of \$3,000 to be reinstated to the \$50,000 bond.
 - o Rod Lais–Permit 0796 in the amount of \$500 for driveway alteration at 426 Main Street.

- Receipt of memos from Kellard Sessions Consulting regarding assignments of new street addresses as follows:

<u>Current Street Address</u>	<u>New Street Address</u>	<u>Section, Block, Lot</u>
None	32 General Heath Ave	7/2/1.A
<u>Bruno Subdivision:</u>	<u>Previous Sec, Blk, Lot</u>	<u>New Section, Block, Lot</u>
21 Whippoorwill Road (Existing)	Sec 2, Block 1, Lot 14	Sec 107.04, Block 1, Lot 11
3 Whippoorwill Lane (New)	Sec 2, Block 1, Lot 14.A	Sec 107.04, Block 1, Lot 11.1

During the citizen comment period, Barbara DiGiacinto submitted a petition with hand-written signatures, as well as an on-line petition list, signed by residents and business owners of North Castle, to “Put The Brakes On The Dog Park.” The following statements were excerpted from the petition:

“We the undersigned residents and business owners of North Castle are concerned about the negative impact that a Wampus Brook dog park will have on our Wampus neighbors, the character of our historic downtown, and our Town budget....Therefore, we the undersigned respectfully request the North Castle Town Board to take the time to complete its community outreach, site selection, budget, maintenance plan, draft oversight regulations, and quantify the “community need” for a dog park at this time.”

The petition noted it is sponsored by Norma Hill, Sue Berenson, Carol Schreck, Becky Kittredge, Jeanne Hinrichs, Barbara DiGiacinto, Charlene Jacobi, Sam Morell, Ronnie Zeidenberg, Judy Willsey, and Jill Greto.

The Town Board audited and approved payments totaling \$426,098.18 as indicated on Warrant #12.

After all persons were heard who desired to be heard, the Supervisor closed the meeting in memory of residents Doris Kroll and John Minutaglio, at 10:20 p.m.

Anne Curran, Town Clerk

Dated: July 5, 2013

Budget Transfers June 21, 2013

Account Code	Description	Amount	Comments
General Fund to:			
A.1010.0840.0001	Town Board Retiree Health Insurance	2,517.60	Retiree Health Insurance
A.1110.0840.0001	Justice Retiree Health Insurance	31,688.40	Retiree Health Insurance
A.1220.0442	Supervisor Mileage	300.00	Mileage expense under budgeted
A.1220.0840.0001	Supervisor Retiree Health Insurance	13,459.08	Retiree Health Insurance
A.1230.0432	Administrator Contractual Prof Services	4,950.00	Contractual Prof. Svces under budgeted
A.1230.0451	Administrator Cell Phone	1,000.00	Cell Phone under budgeted
A.1310.0120	Finance Salary Part Time	10,000.00	Transfer from Contractual Prof Services to PT
A.1310.0840.0001	Finance Retiree Health Insurance	24,037.48	Retiree Health Insurance
A.1330.0840.0001	Receiver of Taxes Retiree Health Insurance	5,331.96	Retiree Health Insurance
A.1355.0441	Assessor Prof Ed & Seminars	1,000.00	Prof Ed & Seminars under budgeted
A.1355.0840.0001	Finance Retiree Health Insurance	21,905.76	Retiree Health Insurance
A.1380.0434	Bank Fees	250.00	Bank fees under budgeted
A.1410.0140	Town Clerk Medical Buyout	6,000.00	Move Medical Buyout budget
A.1410.0840.0001	Town Clerk Retiree Health Insurance	40,119.45	Retiree Health Insurance
A.1460.0432	Records Management	11,475.00	Grant Money (\$5,737 rec'd 12/12, \$4,576 Rec'd 5/13, \$1,162 outstanding)
A.1480.0120	Public Info part time	1,115.89	Budget code change
A.1620.0130	Building Shared Overtime	200.00	Transfer from Contractual Prof Svces to OT
A.1680.0432	Data Processing Contractual Prof Services	47,245.63	Transfer from Prof Fees to Prof Svces
A.1680.0411	Data Processing Supplies and Expenses	754.37	Transfer from Prof Fees to expenses
A.3120.0840.0001	Police Retiree Health Insurance	555,814.82	Retiree Health Insurance
A.3120.0850.0101	Police Retiree Dental	9,524.40	Retiree police Dental
A.3120.0212	Equip New Vehicles	86,111.00	Ins. recovery 12/12 \$27k, and budget code change
A.3620.0840.0001	Building Dept Retiree Health Insurance	29,220.36	Retiree Health Insurance
A.5010.0140	Transportation Admin Medical Buyout	6,000.00	Move Medical Buyout budget
A.5010.0830	Workers Comp	582.78	Under budgeted
A.7020.0460	Recreation Admin Legal Notices	297.60	Legal notices under budgeted
A.7020.0840.0001	Recreation Admin Retiree Health Insurance	56,310.36	Retiree Health Insurance
A.7110.0840.0001	Parks Retiree Health Insurance	17,392.36	Retiree Health Insurance
A.7110.0850	Parks Dental & Vision	3,297.60	Move Retiree Dental & Vision
A.7110.0425	Parks FEMA	3,335.00	Parks Disaster expense
A.7141.0130	Recreation Over Time	5,000.00	Budget shortfall
A.8160.0130	Zero Waste day over time	1,088.17	Unbudgeted
A.8560.0432.0101	Shade Trees - Recreation	2,000.00	FEMA
A.9060.0812	Employee Benefits Misc Personnel fees	25.00	XD-10 unbudgeted
A.8020.0840.0001	Planning Dept Retiree Health Insurance	9,113.04	Retiree Health Insurance
A.8020.0870	Planning Dept Disability Insurance	100.00	Unbudgeted
		1,008,563.11	
General Fund from:			
A.1010.0840	Town Board Health Insurance	(2,517.60)	Retiree Health Insurance
A.1110.0840	Justice Health Insurance	(31,688.40)	Retiree Health Insurance

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A.1220.0840	Supervisor Health Insurance	(13,459.08)	Retiree Health Insurance
A.1220.0411	Supervisor Supplies	(300.00)	Mileage expense under budgeted
A.1230.0120	Salary part time	(4,950.00)	To fund cont. prof services
A.1230.0443	Administrator Professional Dues	(1,000.00)	To fund cell phone
A.1310.0432	Finance Contractual Prof Services	(10,000.00)	Trans. from Contractual Prof Svces to PT
A.1310.0840	Finance Health Insurance	(24,037.48)	Retiree Health Insurance
A.1330.0840	Receiver of Taxes Health Insurance	(5,331.96)	Retiree Health Insurance
A.1355.0411	Assessor Supplies and Expenses	(1,000.00)	Prof Ed & Seminars under budgeted
A.1355.0840	Finance Health Insurance	(21,905.76)	Retiree Health Insurance
A.1410.0840	Town Clerk Health Insurance	(6,000.00)	Move Medical Buyout budget
A.1410.0840	Town Clerk Health Insurance	(40,119.45)	Retiree Health Insurance
A.1480.0432	Public Info Cont. Prof Services	(1,115.89)	Move to part time
A.1620.0432	Building Shared Contractual Prof Services	(200.00)	Trans from Contractual Prof Svces to OT
A.1680.0434	Data Processing Prof Fees	(48,000.00)	Trans from Prof Fees to Prof Svces/expenses
A.1989.0432	GF Misc - Cont Prof Services	(250.00)	To fund bank fees
A.3120.0840	Police Health Insurance	(555,814.82)	Retiree Health Insurance
A.3120.0850	Police Dental	(9,524.40)	Retiree police Dental
A.3120.0212.0000.0006	Police Fixed Assets	(59,082.00)	Available to fund new vehicles
A.3120.0214.0020	Police Firearms	(29.00)	Available to fund new vehicles
A.3120.0830	Police Workers Comp	(582.78)	Available to fund Trans Admin Workers Comp
A.3620.0840	Building Dept Health Insurance	(29,220.36)	Retiree Health Insurance
A.5010.0840	Transportation Admin Health Insurance	(6,000.00)	Move Medical Buyout budget
A.7020.0411	Recreation Admin Supplies and Expenses	(297.60)	Legal notices under budgeted
A.7020.0840	Recreation Admin Health Insurance	(56,310.36)	Retiree Health Insurance
A.7110.0840	Parks Health Insurance	(17,392.36)	Retiree Health Insurance
A.7110.0840	Parks Health Insurance	(3,297.60)	Move Retiree Dental & Vision
A.7141.0120.0102	Recreation Salary	(5,000.00)	Move to OT
A.8160.0434.0019	Refuse disposal	(1,088.17)	To fund zero waste day over time
A.9060.0840	Hospital Medical Employee Benefits	(25.00)	To fund xd-10 fee
A.8020.0840	Planning Dept Health Insurance	(9,113.04)	Retiree Health Insurance
A.8020.0840	Planning Dept Health Insurance	(100.00)	Move budget
		(964,753.11)	
Increase:			
A.1000.1002	Appropriated Fund Balance	5,737.00	Take from Fund Balance - Records Mgmt Grant received 12/12
A.1000.1002	Appropriated Fund Balance	27,000.00	Take from Fund Balance - Crown Vic insurance recovery 11/12
A.1000.3060	Records Management Cont Prof Services	5,738.00	Grant money
A.1000.4960	FEMA Revenue	3,335.00	Parks disaster expense
A.1000.4960	FEMA Revenue	2,000.00	Shade Trees
Highway to:			
DA.5110.0130.0001	Disaster Expense for OT	28,603.40	Un-budgeted funded from FEMA
DA.5132.0432	Highway Prof Services	2,000.00	Under budgeted
DA.5140.0120	Highway Part Time	10,000.00	Un-budgeted
DA.5142.0120	Highway Snow PT	600.00	Un-budgeted
DA.9060.0840.0001	Highway Retiree Health Insurance	285,692.54	Retiree Health Insurance
		326,895.94	
Highway from:			
DA.5132.0411	Highway Supplies & Expenses	(2,000.00)	Available
DA.5140.0110	Highway Salaries	(10,000.00)	Available
DA.5142.0130	Highway Snow OT	(600.00)	Move to PT
DA.9060.0840	Highway Health Insurance	(285,692.54)	Retiree Health Insurance
		(298,292.54)	

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Increase:			
DA.1000.4960	FEMA Revenue	28,603.40	Disaster Expense for OT
Library to:			
L.7410.0415.0012	Non Book Materials	2,000.00	under budgeted
L.1980.0432	Cont Prof Services	2,692.88	MTA tax unbudgeted
L.9060.0840.0001	Library Retiree Health Insurance	<u>58,723.20</u>	Retiree Health Insurance
		63,416.08	
Library from:			
L.7410.0410.0012.0002	Books	(2,000.00)	Available
L.7410.0410.0012.0002	Books	(2,692.88)	Available to fund MTA tax
L.9060.0840	Library Health Insurance	<u>(58,723.20)</u>	Retiree Health Insurance
		(63,416.08)	
Quarry Heights Sewer to:			
S1B.8120.0140	Medical buyout	71.28	Move budget
S1B.9060.0840.0001	Quarry Hgts Retiree Health Insurance	<u>419.40</u>	Retiree Health Insurance
		490.68	
Quarry Heights Sewer from:			
S1B.9060.0840	Quarry Hgts Health Insurance	(490.68)	Retiree Health Insurance
Fire Dist 1 to:			
SF1.1930.0401	Judgements and Claims	192.69	Unbudgeted
Fire Dist 1 from:			
SF1.3410.0432	Fire Cont. prof services	(192.69)	
Sewer 1 to:			
SS1.8120.0140	Medical buyout	246.12	Move budget
SS1.9060.0840.0001	Sewer 1 Retiree Health Insurance	<u>1,448.64</u>	Retiree Health Insurance
		1,694.76	
Sewer 1 from:			
SS1.9060.0840	Sewer 1 Health Insurance	(1,694.76)	Retiree Health Insurance
Sewer 2 to:			
SS2.8130.0431	Cont professional services	37,300.00	From Fund Balance as per 5/8 TBR
SS2.8130.0140	Medical buyout	2,895.00	Move budget
SS2.9060.0840.0001	Sewer 2 Retiree Health Insurance	<u>17,041.44</u>	Retiree Health Insurance
		57,236.44	
Sewer 2 from:			
SS2.9060.0840	Sewer 2 Health Insurance	(19,936.44)	Retiree Health Insurance
Increase:			
SS2.1000.8021	Appropriated Fund Balance	37,300.00	Approved in 5/8 TBR for Emergency Repair
Sewer 3 to:			
SS3.8120.0140	Medical buyout	187.80	Move budget
SS3.9060.0840.0001	Sewer 3 Retiree Health Insurance	1,105.44	Retiree Health Insurance
SS3.8120.0460	Legal Notices	<u>3.85</u>	Under budgeted
		1,297.09	
Sewer 3 from:			
SS3.9060.0840	Sewer 3 Health Insurance	(1,293.24)	Retiree Health Insurance
SS3.8120.0432	Sewer 3 Prof Services	<u>(3.85)</u>	Available
		(1,297.09)	
Sewer 4 to:			
SS4.8120.0140	Medical buyout	58.32	Move budget
SS4.9060.0840.0001	Sewer 4 Retiree Health Insurance	<u>343.08</u>	Retiree Health Insurance
		401.40	

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Sewer 4 from:			
SS4.9060.0840	Sewer 4 Health Insurance	(401.40)	Retiree Health Insurance
Water 1 to:			
SW1.8310.0140	Medical buyout	1,094.52	Move budget
SW1.8310.0453	Heat & Fuel	1,500.00	Underbudgeted
SW1.8310.0460	Legal Notices	295.75	Underbudgeted
SW1.9060.0840.0001	Water 1 Retiree Health Insurance	<u>6,443.16</u>	Retiree Health Insurance
		9,333.43	
Water 1 from:			
SW1.9060.0840	Water 1 Health Insurance	(7,537.68)	Retiree Health Insurance
SW1.8310.0411	Supplies	<u>(1,795.75)</u>	To fund Heat & Fuel / Legal Notices
		(9,333.43)	
Water 2 to:			
SW2.8310.0140	Medical buyout	958.56	Move budget
SW2.9060.0840.0001	Water 2 Retiree Health Insurance	<u>9,418.68</u>	Retiree Health Insurance
		10,377.24	
Water 2 from:			
SW2.9060.0840	Water 2 Health Insurance	(10,377.24)	Retiree Health Insurance
Water 4 to:			
SW4.8310.0140	Medical buyout	751.32	Move budget
SW4.8310.0453.0001	Disaster Exp - Generator Fuel	257.31	Underbudgeted - Funded by FEMA
SW4.9060.0840.0001	Water 4 Retiree Health Insurance	<u>4,422.24</u>	Retiree Health Insurance
		5,430.87	
Water 4 from:			
SW4.9060.0840	Water 4 Health Insurance	(5,173.56)	Retiree Health Insurance
Increase:			
SW4.1000.4960	FEMA Revenue	257.31	Disaster Exp - Generator Fuel
Water 5 to:			
SW5.8310.0140	Medical buyout	181.32	Move budget
SW5.9060.0840.0001	Water 5 Retiree Health Insurance	<u>1,067.40</u>	Retiree Health Insurance
		1,248.72	
Water 5 from:			
SW5.9060.0840	Water 5 Health Insurance	(1,248.72)	Retiree Health Insurance
Water 7 to:			
SW7.8310.0140	Medical buyout	32.40	Move budget
SW7.9060.0840.0001	Water 7 Retiree Health Insurance	<u>190.56</u>	Retiree Health Insurance
		222.96	
Water 7 from:			
SW7.9060.0840	Water 7 Health Insurance	(222.96)	Retiree Health Insurance

PUBLIC HEARING
June 26, 2013

At 8:05 p.m. Supervisor Arden 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 June 26, 2013 at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the adoption of a Local Law to amend the Code of the Town of North Castle, Chapter 196 entitled "Vehicles and Traffic," Article III, Section 196-22 and Article VI, Section 196-53 (Schedule XIII) to establish “No Parking Any Time” zones on the South side of

Maple Avenue for a distance of 100 feet to the east commencing at the intersection of Route 128 (Main Street), and on the South side of Maple Avenue beginning a distance of 210 feet east of the intersection of Route 128 (Main Street) and proceeding east/south to its intersection with Bedford Road.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: June 14, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The proposed local law.

Councilman D'Angelo disclosed that his professional office is located on Maple Avenue.

Director of Planning Adam Kaufman said there is not adequate width on Maple Avenue to have both a travel lane and parking, and the local law would enable the Police Department to enforce the parking restrictions. In response to a query from Supervisor Arden, Mr. Kaufman said he believed that three parking spaces would be affected.

Michael Fareri, owner of 37 Maple Avenue, said he disagreed with Mr. Kaufman regarding the count of parking spaces which would be eliminated. Mr. Fareri said he was not in favor of any reductions in parking due to the shortage of parking in Town. He said he was not in favor of the Maple Avenue road width being narrowed from 32 feet to 24 feet with a replacement of eight feet of sidewalk.

Boris Utko, Maple Avenue property owner, expressed concerns regarding the narrowing of the road width on Maple Avenue and the widening of the sidewalk. Mr. Utko said there are building materials from the Armonk Square development stacked near his property.

Councilman DiDonato Roth said the final development plan for Armonk Square did not include the continuation of sidewalk completely around Maple Avenue. Ms. Roth said that Supervisor Arden spoke to the developers and they agreed to install sidewalk around the street which included the property owned by Mr. Utko.

In response to a query from Councilman D'Angelo regarding the parking currently permitted 100 feet from the corner, Mr. Kaufman said because Maple Avenue is being shifted over to align it with Whippoorwill Road East there will not be adequate width and some of the existing parking, now permitted, will be eliminated. With regard to width of the road, Mr. Kaufman said the travel way for cars will actually be getting wider. The Town's engineer had concerns with the existing on-street parking, the sidewalk, the travel ways and the right of way width, and the engineer recommended the alignment of the road as a better plan for the Town.

Supervisor said that three parking spaces will be lost, but the bigger problem is with parking in Town and the Board is looking at five locations for additional parking.

Mr. Fareri said an additional ten parking spaces were lost in front of Fortina Restaurant due to the widening of the sidewalk to accommodate the change in elevation of the building. He said the road width should be made wider than 24 feet. He said if parking is to be eliminated; it should not be replaced by sidewalks, but to make the road wider.

Mr. Kaufman said the sidewalk got wider and the road did not get any narrower as the difference of where the parking existed was split. The curb was at the same location as it was approved with the

parallel parking and the existing travel way. The Town engineer suggested eliminating the parking to provide the opportunity to have a wider sidewalk and provide more room for vehicles to travel.

In response to a query from Neal Baumann, Glendale Avenue, whether the change to the sidewalks and its impact on parking was reviewed by the Planning Board, Mr. Kaufman said that the Planning Board is not typically involved with recommendations from the engineer regarding public roads. Mr. Kaufman said when the developer agreed to the off-site improvement to continue the sidewalk, the opportunity to align the road presented itself and the engineer recommended to make the improvement at that time because it was a safety improvement.

Mr. Utko said he did not agree that Maple Avenue should be aligned and that the change will increase the speeding between the two roads.

Councilman DiDonato Roth said at a meeting held with the engineer, it was recommended the alignment be corrected to prevent vehicles driving down Whippoorwill Road East from colliding into the building at the corner of Main Street and Maple Avenue.

Mr. Fareri said the traffic study conducted by a traffic engineer for the approval of Armonk Square was based on the current roadways and sidewalks. He said the meeting with the Town's engineer should have taken place with the Planning Board, and the elevation changes on Fortina Restaurant should have been reviewed by the Planning Board and Architectural Review Board.

In response to a query from Mr. D'Angelo regarding whether it was necessary to prohibit parking on the first 100 feet of the road at this time, Town Attorney Baroni said that construction is about to recommence, pending a sign off from NYS Department of Transportation. Mr. D'Angelo agreed the legislation needs to be adopted to ensure safety.

In response to a query from John Poniros, owner of Olive Branch Plaza, regarding the Board's plans for additional parking, Supervisor Arden said the Board is considering five locations which he could not discuss at this time.

In response to a query from Councilman Cronin, Mr. Baroni confirmed that there is an urgency to prohibit parking at this time. Mr. Cronin said he was concerned with the parking issue and he wished to review all available options to get the issue resolved.

Councilman D'Angelo moved, seconded by Councilman Cronin that the public hearing be closed at 8:55 p.m. p.m.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, adoption of Local Law 4 of the year 2013, to amend to amend Chapter 196 entitled "Vehicles and Traffic" of the Town Code to establish "No Parking Any Time" zones on areas on the South side of Maple Avenue.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: July 5, 2013

TOWN OF NORTH CASTLE

Local Law No. 4 For the Year 2013
Adopted June 26, 2013

A Local Law to amend Chapter 196 entitled Vehicles and Traffic of the Town of North Castle.

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

1. Article III, Section 196-22 and Article III, Section 196-53 Schedule XIII: No Parking Any Time are hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Maple Avenue	South	From the intersection of Route 128 (Main Street) a distance of 100 feet to the East.
Maple Avenue	South	From a point 210 feet East from the intersection of Route 128 (Main Street) and proceeding east/south to its intersection with Bedford Road.

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.