

Town Board Minutes
Town of North Castle
Hergenhan Recreation Center
40 Maple Avenue
Armonk, New York 10504
on
February 11, 2010

Supervisor Weaver called the meeting to order at 5:40 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 Counsel	Roland A. Baroni

Supervisor Weaver led the Pledge of Allegiance.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the regular meeting of January 27, 2010

The roll call vote was as follows:

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

Noes: None.

Town Clerk Curran made the following announcements:

- Town offices will be closed on Friday, February 12 and Monday, February 15 for the Lincoln's Birthday and Presidents' Day holidays.
- There are two two-bedroom Middle Income Units for sale, one at Whippoorwill Commons, the other at Whippoorwill Hills. For further information go to What's New on the Town's Web Site or call the Housing Board Office at 273-4329. Applications are available at the Town Clerk's Office.
- The Town Board has asked residents to consider applying to serve on one of the following Boards and Committees: Architectural Review Board, Communications Committee, Financial Review Task Force, Housing Board, Library Board, Parks and Recreation Board, Recycling Committee, and Zoning Board of Appeals. All interested residents should complete a volunteer service application available on the Town's web site and return it to the Town Clerk's Office.

With the regard to the letter from Michael Fareri concerning the construction behind Town Hall, Supervisor Weaver provided background information about the property which was registered in 1996 with NYSDEC for use of location as temporary storage and transfer of leaves and clippings. With regard to the proposed driveway for the facility off of Route 128, Mr. Weaver said a permit for the project was granted in 2004 by NYSDOT to alleviate truck traffic in and out of the historic district, decrease congestion at the intersection of Route 128 and Bedford Road and increase safety for access to the nursery school and for the HCC middle school students walking on Bedford Road. The Supervisor noted that a Town committee, after evaluating the Town Hall facility usage and expansion potential, recommended the creation of a new highway garage on the property behind Town Hall as it was the only Town owned land that was appropriate for expansion; the proposal was subsequently tabled based on cost. Several residents, including Michael Fareri, Frank Lattarulo, Gino Ciuffetelli, Frank Benish, Ann Dantzig, Frank Lobello, Voula Aronson, Tony Futia, Sara Doto and James Sieper, expressed opposition to the facility and raised questions and concerns regarding the awarding of the contract, proper permitting, lack of notification, impact on property values, increase in commercial traffic and environmental impacts. Supervisor Weaver said the Board would be forming a group of Town professionals and citizens to review the project.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the terms of the lease agreement with T-Mobile for placement of a cell antennae and equipment cabinet on the Custis Avenue Water tank in Water District No. 1, subject to permissive referendum and to an environmental determination pursuant to SEQR. The project will be coordinated with the Water and Sewer Department.

The roll call vote was as follows:

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

Noes: None.

With regard to the discussion about the location of the farmers' market in the Armonk hamlet, Councilman Roth reported that the Armonk merchants said they would like to have the market. Ms. Roth said that she and Councilman Kittredge looked at locations and stated the preferred location is Kent Place, in the area from Finnegan's Grill to the Library.

Edward Lobermann presented a statement in response to Supervisor Weaver's comments at the January 27, 2010 Board meeting regarding Mr. Lobermann's e-mail opposing the farmers' market. Mr. Lobermann defended the information in his e-mail, and cited his experience in the retail industry and civic organizations, and his service on ad hoc Town committees. He said that vendors should not be permitted to sell their products without contributing to the Town's tax revenues.

The Board discussed the preferred time schedule for the market as either Thursday evenings or Saturday mornings. Town Clerk Curran read aloud a letter from Scarsdale Mayor Carol Stevens citing the success of their farmers' market managed by DeLisa, and a letter from D.C. Becker and Norma Becker, owners of Café Norma, in support of a market in Armonk. Supervisor Weaver said the Board had received an e-mail from Neal Baumann stating that the location of a farmers' market in any area behind Town Hall would have a negative effect on Armonk Baseball League operations. Mr. Weaver said the Board would be moving ahead with the market pending the resolution of the legal questions regarding the lease agreement.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a statement from Edward Lobermann regarding the farmers' market.

The roll call vote was as follows:

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

Noes: None.

With regard to the discussion of outdoor dining, Superintendent Fon reviewed the areas on Main Street which could accommodate it. Councilman Roth asked Director of Planning Adam Kaufman to describe the legislation which would be needed to amend the Town Code to permit outdoor dining. Mr. Kaufman said that currently a special use permit is required and, if additional parking is needed, a referral to the Planning Board is also required. He said an amendment of the Town Code could eliminate the requirement for a special use permit. Minimum safety requirements would need to be met including a provision to ensure that sidewalks would not be blocked; and a determination would need to be made whether music would be appropriate. Supervisor Weaver asked Mr. Kaufman to prepare the draft legislation for the next Board meeting on February 24th.

Supervisor Weaver read the following draft mission statement for the Supervisor's Budget and Finance Advisory Task Force.

The Budget and Finance Advisory Task Force is being established to develop a fact based, financial planning process for the Town of North Castle which will generate sustainable short and longer term spending plans and budgets which are affordable for its residents and which balance the Town's service priorities in a comprehensive manner.

The Task Force will assist the Board in:

1. Setting overall spending targets based on objective benchmarks appropriate for a town of the size and character of North Castle;
2. Analyzing town spending priorities within overall targets; and

3. Establishing town budgets based on those priorities.

The Task Force will analyze the gaps between targets and current spending levels and establish Best Practices sub-groups to develop recommendations on how to bridge the gaps.

The Task Force will be composed of approximately five community members who will draw on the substantial expertise of additional community members to the greatest extent possible. Supervisor Weaver introduced William Potvin who will lead the Task Force.

Councilman Kittredge moved, seconded by Councilman Roth, approval of the formation of the Budget and Finance Advisory Task Force and its mission statement.

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 a memo from Town Clerk Curran regarding Deputy Clerks attending Town Board meetings.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign:

- Grant application for the expansion of the recycling center to collect inorganic recyclable material, and for the purchase of toters and a shed to be used at the center.
- Potential grant application for LED bulb replacement for the traffic light at Maple Avenue and Bedford Road and the two yellow beacon school lights on Route 22.
- Potential grant application for the Bronx River Watershed initiative to install permeable pavers on Nethermont Avenue and to stabilize a stream on Town land adjacent to the concrete plant.

The roll call vote was as follows:

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

Noes: None.

Partnership Agreement Form for NWEAC'S NYSERDA RFP 10 Grant Request for the establishment of an energy manager to be shared by members of NWEAC.

On motion of Councilman Kittredge, seconded by Councilman Roth, the following resolution was adopted by the Town Board of the Town of North Castle, New York:

WHEREAS, Town is a member of the Northern Westchester Energy Action Consortium; and

WHEREAS, the Consortium will be applying for funding from NY State Energy Research Development Authority RFP 10 for energy management projects under Implementation Funding for Small Municipalities of the American Recovery and Reinvestment Act on behalf of all the Consortium members and for which deadline for submission to NYSERDA is February 17, 2010; and

WHEREAS, NYSERDA Request for Proposal 10 stipulates eligible municipalities may partner together to propose a project, and that each such proposal requires one of the participating municipalities to serve as the Lead Proposer must fill out the following form; and

WHEREAS, the Town of Bedford will be the Lead Proposer for an RFP 10 request for funding to support personnel to manage the Bedford Pilot for home energy retrofits that all NWEAC members can opt into and benefit from; and

WHEREAS, the Village of Croton-on-Hudson will be the Lead Proposer for an RFP 10 request for funding to support personnel to assist Consortium members with the completion

of greenhouse gas and energy inventories and the establishment of resulting climate action plans; and

WHEREAS, each municipality other than the municipality that is serving as the Lead Proposer must complete and submit Appendix N, Partnership Agreement Form to the Lead Proposer ;and

WHEREAS, this Consortium request will be complementary to and not in conflict with the separate requests from individual Consortium members for energy management personnel under the same RFP 10;

NOW, THEREFORE BE IT RESOLVED: that the Town Supervisor is authorized to complete and sign “Appendix N, Partnership Agreement Form” as published in NYSERDA RFP 10.

AND BE IT FURTHER RESOLVED, that, the Town Supervisor will submit the completed “Appendix N, Partnership Agreement Form” to the Lead Proposer no later than February 16, 2010 so it may accompany the complete application.

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 the Supervisor to sign a grant application for a lighting retrofit to replace existing fluorescent lighting with more efficient lighting.

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 memorandum from Bob Candrea, President, Kensico Little League, requesting approval to construct a memorial at Clove Road Field in honor of Vito Sorrentino, a dedicated volunteer of Kensico Little League; and further moved that the matter be referred to Superintendent Barnard and Superintendent Fon for their study and recommendation.

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 a letter from Anthony Futia regarding the creation of a Public Works Department and the appointment of Superintendent Fon.

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 Comptroller Donovan to release the monthly retainage for 2009 to Suburban Carting in the amount of \$14,239.63.

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 a sales tax update from Comptroller Donovan. The Town received \$333,507 for the fourth quarter of 2009.

The roll call vote was as follows:

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

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Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of Crown Atlantic Company, LLC notification to extend the term of the cell antennae lease agreement in Sewer District No. 2 at Business Park Drive for an additional five years, August 1, 2010 – July 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 Roth, authorization for the Supervisor to sign an agreement with Artmonk Studios, Inc. to provide fine art programs and instructions for the year 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, authorization for the Supervisor to sign an agreement with James W. Sewall Company for tax map maintenance for the year 2010 in the amount of \$5,175.

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 to extend unpaid leave of absence for Charles Bucolo, Sewer and Water Department, February 19, 2010 – May 19, 2010.

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 to extend unpaid leave of absence for Gary Ristaino, Highway Department, January 1, 2010 – May 1, 2010.

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 a letter from the Westchester County Department of Human Resources informing the Board, that as a result of a desk audit, Richard Fon's position has been reclassified from the title of Superintendent of Public Works to Superintendent of Public Works/Building Inspector, and further moved the permanent appointment of Mr. Fon as Superintendent of Public Works/Building Inspector, upon completion of a twelve week probationary period commencing January 23, 2010 and concluding on April 17, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Cronin, permission for Superintendent Fon and Assistant Building Inspector Michael Cromwell to attend the NYSBOC Training Conference in Rye Brook on March 8 – 10, 2010.

The roll call vote was as follows:

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

Noes: None.

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Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memo from Comptroller Donovan stating she will be hosting the NYS GFOA Special Training for Elected Officials at the Hergenhan Recreation Center on March 12, 2010.

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 a memo from Chief D'Angelo regarding Detective Frank Kolarik's accomplishments in the DARE program as cited in Westchester BOCES newsletter.

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 a letter from Chief D'Angelo regarding Police Officer Joel Thomas's identification of an individual who was subsequently found to be a "positive match" to a known or suspected terrorist, as detailed in the letter from the Terrorist Screening Center in Washington, D.C.

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:

Approval of the request of General Foreman Useted for the release of highway bonds to Con Edison, Permit #615, in the amount of \$750; and to JCM Services, Inc., Permit #920, in the amount of \$750.

Approval of the request of Valhalla High School to place a sign at the grass median between North Broadway and Route 22 in North White Plains to publicize the VIF International Dinner scheduled for March 6, 2010.

Approval of the request of the North Greenwich Nursery School to place a sign at the site of the eagle to publicize its Annual Tag Sale scheduled for May 16, 2010.

Receipt of the Town Clerk's report for the month of January, 2010.

The roll call vote was as follows:

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

Noes: None.

Tony Futia asked if an appraisal is being done on the property located on Old Route 22 and said he hoped the Board was not considering its sale. Supervisor Weaver said the Board has requested a professional survey in order to make a decision regarding the property.

Councilman Schiliro thanked and commended the Highway Department for their work on clearing the roads during the February 10th snowstorm, commenting on the visible difference between North Castle roads and those of other communities.

The Town Board audited and approved payments totaling \$13,823,586.70 as indicated on Warrant #3.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the meeting be adjourned at 10:00 p.m. in memory of Anthony Jack DiDonato, father of Councilman Roth. The meeting was moved into Executive Session. The Executive Session was closed at 10:20 p.m.

Anne Curran, Town Clerk

Dated: February 18, 2010