

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
July 14, 2010

Supervisor Weaver called the meeting to order at 5:30 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

The meeting was immediately adjourned into executive session, which was then closed at 7:30 p.m. The regular meeting was reconvened at 7:35 p.m.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of June 23, 2010.

The roll call vote was as follows:

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

Noes: None.

Howard Arden, on behalf of Friends of Westchester County Parks, offered to set up a restricted account for the Friends of Elijah Miller House and encouraged interested residents to contribute funds to preserve Miller House. Mr. Arden said that the Armonk Rotary Club would donate \$500 to the North Castle Historical Society to be transferred to a Miller House account.

Frank Fish, BFJ Planning, provided highlights from its analysis, *Potential Effect of Armonk's Supermarket: Its Relocation and Financial Impact on Armonk's Main Street Businesses*. The conclusion from the analysis stated "a new site for a supermarket would be feasible and that limited impact would occur on Armonk's Main Street businesses". The analysis suggested that only specialty food and liquor stores could be affected or potentially 6 of Main Street's business establishments and stated that "relocation of the Armonk supermarket to the nearby PLI zone should not substantially impact business on Armonk's Main Street".

Councilman Kittredge said that the analysis did not include the Town Center on Main Street which has several retail businesses. Ms. Kittredge said the analysis incorrectly stated that the A&P Fresh supermarket has a pharmacy.

Councilman Schiliro said that the customer retail survey included only 17 shoppers, two of whom did not live in Armonk, and the 8 am to 10 am time period was not a time when many shoppers would be at the supermarket.

In response to an inquiry from Ed Lashins, property owner on Business Park Drive, if the same conclusion could be drawn from any location on Business Park Drive, Mr. Fish said another location would probably not affect the results of the survey.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from DelBello Donnellan Weingarten, et al., regarding the withdrawal of the petition from Eden Enterprises, LLC for amendments to the parking requirements in the CB Zoning District filed in February 2010. The applicant has chosen not to pursue the redevelopment of the property

Town Board Minutes
July 14, 2010

located at Main Street and Maple Avenue, commonly referred to as the “Armonk Shopping Center”.

The roll call vote was as follows:

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

Noes: None.

Letters were received regarding the Recreation and Parks Recreation Online Survey Recreation survey which was distributed by Councilman Cronin. Several letters were read aloud by Town Clerk Curran at the request of the residents.

Councilman Cronin read a statement about the Recreation and Parks Online Survey that he distributed by e-mail on June 22, 2010. He emphasized that it was the first Recreation and Parks survey in 15 years, most questions were taken from the past surveys (1995 and 1980) the survey was done at no cost, and since he did not have access to the Town e-mail account, he sent the e-mail on behalf of the Town Board from his own company’s e-mail account. He added that the survey was sent to 2800 people, including those addresses provided by Parks and Recreation Superintendent Barnard and emphasized that it could be forwarded to others and that his intent was to leave the survey open until sufficient responses were gathered.

Mr. Cronin stated that he felt it was important to distribute the survey before the end of the school year and before he left on an extended business trip. While he had met with Councilman Roth and other Recreation Board members to review preliminary drafts of the survey, he expressed regret that he had not shared it with other Town Board colleagues. Stating that he briefly considered sending it out from Councilman Roth and himself, he decided against that, and added that an agreed upon process or procedure for sending out such a communication is not in place. Mr. Cronin said that he believes in using surveys, had the best interests of the Town in mind and in the future he will wait to distribute this type of communication until a process is agreed upon.

Several residents spoke in favor of Mr. Cronin’s distribution of the survey and his efforts.

Recreation and Parks Advisory Board Chairman Bonnie Tumminelli said that the Board wanted to ensure that the survey was distributed to all residents, including those who do not have e-mail access, and to provide all residents the opportunity to provide feedback.

Councilmen Kittredge and Schiliro objected to Mr. Cronin not telling the rest of the Town Board that he intended to send the survey out as they had all met just fourteen hours before it went out. Supervisor Weaver added that he believed Councilman Cronin sent the survey purposely without discussion as he didn’t care to have other Town Board members comment.

A request from a resident to refer a matter to the Board of Ethics was withdrawn.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter and report from Landmarks Preservation Committee Chairman Susan Shimer which included the Committee’s nomination of the property at 11 Tallwoods Road for landmark designation; and further moved the scheduling of a public hearing for August 18, 2010.

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 letters from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

Mr. & Mrs. Robert Tannor	\$ 482.95
Mrs. Jacqueline T. Gevertz	\$1,144.51
Mr. and Mrs. Marc R. Lisker	\$1,679.38
Mr. and Mrs. John Massoni III	\$ 303.88
Mr. and Mrs. Jason Geller	\$ 207.92
Mrs. Alka Kaminer	\$ 268.24
Mr. and Mrs. Timothy Ryan	\$ 442.59

Town Board Minutes
July 14, 2010

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, authorization to the Town's Attorneys to execute the Stipulation and Consent Judgment in The Matter of BRE/Prime Holdings, Inc., Index Nos. 07-18134, 08-21071 and 09-21669.

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 requests of the Friends of the North Castle Public Library, Inc. with regard to the 49th Annual Armonk Outdoor Art Show, September 25 and 26, 2010:

- To use the Community Park facilities
- To erect a sign at the site of the eagle
- To make arrangements with Farmers Market to publicize Art Show on the first three market dates in September

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, approval of the Request for Proposal for consultant services to conduct an operations review of the Town's Police Department, and further moved receipt of a letter from Police Chief Robert D'Angelo with a recommendation that NYS be considered to conduct the operations review.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, receipt of a memo from Superintendent Futia regarding a proposed increase in water rates in Water District No. 2, and further moved the scheduling of a public hearing for August 18, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, authorization for Comptroller Donovan to make payment No. 6 to S & L Plumbing and Heating Corporation in the amount of \$2,690.65 in connection with the wastewater treatment plant nitrogen removal project.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, Anthony Futia's letter dated July 8, 2010 about the status of his FOIL request regarding the Highway Superintendent elected-appointed position.

The roll call vote was as follows:

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

Noes: None.

With regard to Mr. Futia's FOIL request, Town Clerk Curran read the following statement:

"I wish to explain the nature of this FOIL request and correct some misinformation contained in Mr. Futia's letter.

On March 25, 2010 Mr. Futia requested the following information:

“A copy of the chain of all North Castle local laws and resolutions/propositions pertaining to the North Castle Town Highway Department positions of elected Highway Superintendent, Highway General Foreman and Superintendent of Public Works beginning with the proposition and vote of eliminating the elected position of North Castle Highway Superintendent to present.”

Senior Office Assistant Amelia DeFeo, who has worked in the Town Clerk’s office for 22 years, immediately alerted me to the substantial amount of research required to answer this FOIL request. Mr. Futia was sent a letter stating that the response would take approximately 20 business days.

Researching minutes and other records prior to 1977 must be done manually as there is no computer program to search records prior to 1977.

Mr. Futia’s request required researching to older minute books that are stored in the Town Hall basement. These older Town Board minutes are archived by year dating from 1960 as far back as 1736. These books have handwritten or typed index listings, in chronological, not alphabetical order and are often not complete.

The search was conducted by hand, and included examining over 37 years of minute books. In addition, boxes of personnel files, archived in the Town Hall attic and in our Records Building on Whippoorwill East were searched.

A written response from my office was issued on April 14 which indicated that we had not located the information Mr. Futia requested. Mr. Futia was offered the opportunity to view Town Board minute books in Town Hall.

The second FOIL request that Mr. Futia issued on April 21 regarding the same matter, stated his own extensive research of those who had served the Town as Highway Superintendent since the 1950’s. We did respond to his second FOIL request on April 22 affirming that the information he asked for was not found.

The following summarizes the amount of time spent researching information and the approximate costs:

Clerical staff: 20.5 hours at a cost of \$624.26

In addition, several hours of my time and Barbara Pesquera’s time was spent on this request.

It is important that the public understand the amount of time and the associated cost that is being spent to answer FOIL requests such as this one.”

Upon the recommendation of Superintendent Barnard, Councilman Roth moved, seconded by Councilman Schiliro, award of the bid for swimming pool rental and services for the Town’s summer camps to Anita Louise Ehrman Recreation Center for the period of July 6, 2010 to August 13, 2010 in the amount of \$35,000.

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 from Colleen Gallagher regarding Suburban Carting and bulk pick-up. Councilman Kittredge said that Suburban Carting uses split load trucks which collect both trash and recyclables in the same pick-up and resulted in a cost saving for the Town. Ms. Kittredge said that the resulting restrictions in bulk pick up will be clarified in future sanitation schedule communications.

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 the Town Clerk's report for the month of June, 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 for Supervisor Weaver to sign a letter to the NYS Emergency Management Office requesting to withdraw from the Hazard Mitigation Plan. The resolution follows:

RESOLVED, that the Town Board does hereby rescind a resolution adopted January 14, 2009 authorizing the Supervisor to sign an agreement with Tetra Tech EM Inc. in connection with preparation of a joint all-hazard mitigation plan between the towns of North Castle, Bedford and Lewisboro.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a Certificate of Substantial Completion for S & L Plumbing and Heating Corporation, Contract No. 4 – Plumbing in connection with the wastewater treatment plant nitrogen removal project.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, approval of the request of General Foreman Useted for the release of highway bonds to Madonna Realty, Permit # 932; Robert Arcieri, Permit # 982; Patricia Ramirez, Permit # 983, each in the amount of \$500.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, the following resolution:

Resolved that the Town Board hereby retains Keane & Beane, P.C. as Special Litigation Counsel in the Westwood Recycling matter pursuant to its proposal dated July 7, 2010, and further authorizes the Town Attorney to meet with Boies, Schiller & Flexner LLP representatives, to ascertain their availability to serve as Special Counsel on insurance related issues arising from this same matter.

The roll call vote was as follows:

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

Noes: Councilman Kittredge.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a Bus Lease Agreement with Byram Hills Central School District for a term commencing June 30, 2010 and ending August 30, 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, permission for Detective Frank Kolarik to attend the N.Y.S. Police Juvenile Officers Association Annual Training Conference, August 29 – September 3, 2010, in Geneva, New York.

Town Board Minutes
July 14, 2010

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an agreement with Lynstaar Engineering, P.C. for professional services for Armonk Streetscape Electrical Survey and Cost Analysis.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, acceptance of the proposal from A. Finelli Contracting to repair and reset concrete pavers, which will be supplied by the Town, at five locations on Main Street, Armonk.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, adoption of a resolution authorizing the issuance pursuant to section 90.10 of the local finance law of refinancing bonds of the Town of North Castle, Westchester County, New York, to be designated "Public Improvement Refunding (Serial) Bonds", resulting in savings for the Town.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, approval of the request of Library Director Cris Ansnes to fill a part-time position of children's librarian in September, 2010.

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 \$555,100.79 as indicated on Warrant #13.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:20 p.m.

Anne Curran, Town Clerk

Dated: July 27, 2020