

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 27, 2009

At 5:40 p.m. Supervisor Berman called the meeting to order and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge
	Gerald K. Geist
	William R. Weaver
	Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into Executive Session, which was then closed at 7:20 p.m.

Supervisor Berman reconvened the regular meeting at 7:30 p.m.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of the May 5, 2009 regular meeting; the May 12, May 18 and May 21, 2009 special meetings; and an amendment to the April 22, 2009 minutes to delete the words “big box.”

The roll vote was as follows:

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

Noes: None.

Supervisor Berman announced that:

- American Legion Post 1097 will be holding its annual Memorial Day Parade, followed by a memorial service and refreshments at Legion Hall on May 30.
- Alternate Space for Contemporary Art will be replacing the sculpture in front of town hall within the next few weeks.
- Active Living Over Fifty (ALOFT) is holding informational meetings on June 6 and 7.
- Federal Census workers will be conducting a count of all housing units in North Castle. They will carry ID and a handheld computer.

Anne Curran publicized the debut of the E-Newsletter which was distributed electronically and posted on the Town web site. A limited number of hard copies are available in Town buildings. She encouraged residents to subscribe to receive future newsletters and E-News Updates under Quick Links on the Town web site: northcastleny.com.

Diane Roth, North Castle Recycling Committee, spoke of the overwhelming success of Zero Waste Day, held on April 25 behind town hall. Residents donated gently used goods to those in need and dropped off electronic waste for the County to dispose of responsibly. This is a recap of what was collected:

Westchester County E-Waste: Hundreds of electronics, such as computers, TVs, air conditioners, and anything else with a plug, weighing in at 35,720 lbs.

Furniture ShareHouse: Over 150 furniture items were donated, enough to help 15 Westchester families who will be able to furnish otherwise empty apartments.

Dress For Success: Almost 1,000 items of assorted women’s business clothes and accessories were donated to promote economic independence of disadvantaged women by providing professional attire.

Hickory and Tweed: Seventeen bicycles, 30 pairs of skis, 3 snowboards and a variety of boots and poles were dropped off and will be donated to needy individuals in Vermont.

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Councilman Kittredge noted that in an effort to save money, the Town reduced the amount of flowers normally planted in various locations in Town. To make up for the lack of plantings, flowers were donated by the Rozins, Anderson and DiGiacinto families, Armonk Chamber of Commerce, Green Acres Garden Club, and Naturescapes. The Assessor and Tax Receiver's Offices and Building Department donated flowers for the barrels in front of the Annex.

Supervisor Berman presented a plaque to the American Legion in honor of Poppy Week, during which those who fought for our country in various conflicts are honored.

Supervisor Berman presented a plaque to each of the Byram Hills students, parents and teachers who participated in community service projects in the village of La Fonseca in Siuna, Nicaragua, during Spring Break on behalf of the Bridges to Community program.

Duane Smith, the teacher who organized and led the trip, applauded the students and parents who chose to live in primitive conditions with no electricity or running water in order to work in the fields, dig latrines and work on health projects to improve the lives of people in the community.

Councilman Geist recognized the efforts and the sacrifices of the group and commended their community service.

Pursuant to the request of Lisa Holmes, co-chair of the Beautification Foundation, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to establish a Butterfly Garden in Lombardi Park in memory of Juliana Affrunti.

The roll vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Weaver, the appointment of Susan Shimer as a member and chair of the Landmarks Preservation Committee for a term to expire May 17, 2012. Thanking the Board for giving her the opportunity to preserve North Castle's history, Ms. Shimer said she hopes to have more homes designated as historic landmarks.

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The roll vote was as follows:

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

Noes: None.

Don Gregg, Douglas Cassetta and Earle Yaffa, members of the Administrator Review Task Force, were present to participate in the discussion of the appointment of a town administrator. Mr. Gregg explained that the Task Force, after investigating the idea and interviewing officials in other towns that have administrators, was unanimous in its recommendation that the position be established in North Castle. Noting that the continuity an administrator would bring to town government is appealing, Mr. Gregg stated that the salaries range from \$104,000 to 190,000. More than half of that can be realized from cuts in Town Board members' salaries plus from other savings that would quickly accrue.

Residents Lydia Rippstein and John Cronin both expressed their concerns about funding the salary of a town administrator. Mr. Cronin suggested that, if approved, the appointment should be delayed to next year due to possible turnover in the current Board.

Mr. Gregg said that, in conversations with towns that have administrators, in every case savings were realized. He applauded the initiative of Supervisor Berman saying this is a forward looking step on the part of North Castle. Mr. Gregg added that the Supervisor would do a great favor to the Town if the administrator were in place when she left her position.

Earle Yaffa mentioned that an administrator is trained to deal with issues the Town Board will face, some of which cannot be identified in advance. He added that an administrator's training in finance would be helpful in guiding the Board through the budget process. To Ms. Shimer's query as to whether the Town is looking to hire a finance person or someone trained as a town administrator, Mr. Yaffa said the position would be filled by someone trained as an administrator but that finance would be an important part of his or her background.

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Ms. Shimer suggested that the projected reductions in the Supervisor, Deputy Supervisor and Councilmen's salaries to pay for the cost of a town administrator be incorporated in the 2010 budget as it is formulated this fall.

Mr. Yaffa pointed out that, out of a \$30 million Town budget, the projected cost of a town administrator represents less than 1/3 of 1% and that a skilled administrator would produce many times his or her salary.

Doug Cassetta said, when one considers that the current Supervisor's position is so demanding, how can the Town be sure it will find people with the expertise and time to deal with so many complex issues. The presence of a fulltime town administrator would broaden the pool of candidates for Supervisor to more than retirees or people who do not work.

Supervisor Berman commented that a town administrator would provide technical expertise since he or she is trained in so many elements of government. Additional benefits to the Town would be:

- Training and experience in public administration, budgets and contractual negotiations.
- Stability as incumbents rotate off the Board.
- An increase in the pool of candidates able to work full time.
- Less subject to day-to-day political influences.

Councilman Weaver said he has questions about the cost savings realized as a result of having an administrator. He suggested the task force look into the twelve towns without administrators as well as the two with. He added that the projected cost of \$200,000 could grow into a department costing as much as \$600,000. Mr. Weaver expressed his doubts over the administrator's remaining apolitical. He closed by saying the focus should be on the financial advantage of having an administrator and how he or she would improve Town government.

Supt. Futia stated that he supports establishing the position of town administrator who would not be a Civil Service employee, but rather an appointee of the Town Board, whose job security depends on his performance. He added his opinion that a good town administrator can save \$700,000 – 1,000,000 annually by looking for savings and efficiencies.

In response to Councilman Weaver's comments, Supervisor Berman said he failed to mention that, although only two towns have administrators, 24 cities and villages do. She disputed Mr. Weaver's statement that the position may cost up to \$600,000 by saying that New Castle, a town of 17,000, actually spends \$458,000 on the administrator's department, and Mamaroneck, a town of 28,940, spends \$356,000 on the department.

Councilman Geist said he is in favor of hiring a town administrator who will bring his or her organizational skills and professional and financial expertise to the position. He added that the job of the Supervisor has grown and totally changed and the services of a professional are now necessary to meet the demands of town government.

Councilman Schiliro noted that the Town has been fortunate with the previous and present Supervisor but needs to plan for the future. He said we need to know the costs and where the money is coming from.

Mr. Yaffa added that a town administrator would produce revenues as well as institute cost reductions. He cited the federal government's stimulus package as an example of available funds.

Councilman Geist moved, seconded by Councilman Schiliro, that a work session be scheduled to discuss creating the position of town administrator in North Castle, followed by a public hearing or public meeting. Supervisor Berman said she would like the public to be a part of the conversation.

The roll vote was as follows:

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

Noes: None.

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With regard to the *Name That Bridge* contest sponsored by AllAboutArmonk.com, Road Naming Committee member Meg Gregg announced that the RNC had chosen “Wampus Way” from among the submissions. Councilman Kittredge moved, seconded by Councilman Schiliro, to accept the recommendation of the Road Naming Committee that the easternmost bridge in Wampus Brook Park be named “Wampus Way.”

The roll vote was as follows:

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

Noes: None.

Michelle Boyle, editor and publisher of AllAboutArmonk.com, said the name had been submitted by Ed Wechsler of La Mer Seafood.

Ryan Coyne of Kellard Sessions Consulting presented the MS4 Annual Report, a stormwater management plan as required by the NYSDEC. He said the Town is above the curve in implementing the plan. Councilman Kittredge moved, seconded by Councilman Geist, acceptance of the report. Once the Supervisor signs the report, Mr. Coyne will forward it to the DEC.

With regard to NYCDEP’s remediation plan at two sites north and south of Kaysal Court, Councilman Kittredge moved, seconded by Councilman Weaver, receipt of a memo from Kellard Sessions Consulting stating that the applicant has revised the project to respond to concerns expressed at previous Town Board meetings and by Kellard Sessions. Ms. Kittredge further moved that a public hearing be scheduled for June 24, 2009 and that the application be forwarded to the Conservation Board for its study and report.

The roll vote was as follows:

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

Noes: None.

Pursuant to the recommendation of Kellard Session Consulting, Councilman Weaver moved, seconded by Councilman Kittredge, acceptance of the dedication of Dellwood Farm Way and Hammond Ridge Road. A maintenance bond in the amount of \$75,000 has been posted for three years.

The roll vote was as follows:

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

Noes: None.

In connection with a memo from Director of Planning Adam Kaufman, Councilman Kittredge moved, seconded by Councilman Schiliro, that Mr. Kaufman be authorized to draft a proposed local law to streamline the residential special permit review process.

The roll vote was as follows:

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

Noes: None.

Steve O’Connor, 5 Round House Court, appeared before the Board in to express his opposition to special use permit applications for 7 Round House Road and 20 Banksville Avenue, both in the General Business zoning district. Mr. O’Connor summarized the recent history of the GB zone, saying that the 1996 Comprehensive Plan recommended that the GB zone be rezoned to residential. This recommendation was echoed by the Town’s consulting planners during the 2006 moratorium, at which time the Town Board referred the matter to the Planning Board for its study and report. Subsequently, the owners of the two properties referenced above have submitted applications for special use permits. Mr. O’Connor expressed his opinion that neither use is appropriate for the properties. He urged the Planning Board to recommend adoption of the rezoning recommendation suggested by the Town’s professionals.

Dan Hollis, Esq., representing 20 Banksville Avenue, expressed his concerns with the procedurally off base comments made by Mr. O’Connor as a violation of his client’s right to due process.

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Mark Miller, Esq., appearing on behalf of North Castle Landscaping and Tree Service, (7 Round House Road), seconded Mr. Hollis's comments and urged the Planning Board to forward its recommendation to the Town Board so a public hearing can be scheduled. He said it is not correct to discuss the zoning at this time and asked the Town Board to allow the process to continue.

Councilman Geist inquired of Town Attorney Baroni whether the Town Board can ask Frederick P. Clark Associates to study the area. Mr. Baroni responded that it could, but that the study would not interfere with the current applications unless a moratorium is enacted as a result of it. Councilman Geist moved, seconded by Supervisor Berman, to obtain a proposal from F. P. Clark to prepare the necessary studies which could possibly include a moratorium for the Banksville area.

The roll call vote was as follows:

Ayes: Councilmen Geist and Supervisor Berman

Noes: Councilmen Kittredge, Weaver and Schiliro

Adam Kaufman explained that the GB rezone was not studied as part of the FGEIS since it was removed from consideration by the Town Board earlier in the process.

Denise O'Connor asked the Town Board to revisit the zoning issue globally, not just with regard to the two current applications.

Councilman Kittredge said she was waiting to hear from the Planning Board which may not recommend issuing special use permits to the two applicants. Ms. O'Connor commented that that would not solve the issue of future applications. Councilman Kittredge then asked Mr. Baroni for a timetable for a moratorium. Mr. Baroni said the Board could start with a four month moratorium.

Councilman Kittredge moved, seconded by Supervisor Berman, that the previously adopted resolution defeating the motion to obtain a proposal from F. P. Clark be rescinded.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and Supervisor Berman

Noes: Councilmen Weaver and Schiliro

Councilman Geist moved, seconded by Supervisor Berman, to obtain a proposal from F. P. Clark to prepare the necessary studies which could possibly include a moratorium for the Banksville area.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and Supervisor Berman

Noes: Councilmen Weaver and Schiliro

Councilman Kittredge moved, seconded by Councilman Weaver, authorization for Comptroller Donovan to pay Littler Mendelson, PC, for March invoices in the amount of \$2,875 and April invoices in the amount of \$8,015.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, receipt of an update of the mortgage tax estimate for 2009 from Comptroller Donovan. Supervisor Berman said the outlook is bleak with only \$38,000 for April.

The roll vote was as follows:

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

Noes: None.

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Pursuant to a memo from Town Clerk Leber and a draft local law, Councilman Kittredge moved, seconded by Councilman Weaver, to schedule a public hearing for June 24, 2009 to consider amending Town Code, Chapter 106, entitled "Filming."

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, receipt of an EAF and a draft local law to revise Section 213-32 and Section 213-41 of Town Code so that site plan approvals and special use permit approvals will not expire if a valid Building Permit exists. The Town Board declared its intent to act as lead agency and the matter was referred to the Planning Board for its study and report.

The roll vote was as follows:

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

Noes: None.

Pursuant to receipt of a proposed local law, Councilman Kittredge moved, seconded by Councilman Geist, that a public hearing be scheduled for June 10, 2009 to amend Town Code, Chapter 158, entitled "Recycling."

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a May 1, 2009 letter from Westchester County Department of Planning regarding the discontinuance of the Community Development Block Grant (CDBG) Program and other grants for FY 2008 and 2009; and receipt of a May 12, 2009 letter announcing the restoration of CDBG and other grants for years 2008 and 2009;

The roll vote was as follows:

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

Noes: None.

Upon the recommendation of General Foreman Usseted, Councilman Weaver moved, seconded by Councilman Kittredge, the issuance of licenses to collect and dispose of refuse in the Town of North Castle to City Carting, Inc., and Rogan Brothers Sanitation, Inc.

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the release of a highway bond to Awesome Landscape, Permit #699, in the amount of \$750.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval for the Highway Department to contract with Reclamation, Inc. to lease equipment and an operator to reconstruct and resurface roads in the Town of North Castle.

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a memo from General Foreman Usseted informing the Town Board of the Highway Department's efforts to keep up with services it provides despite having lost three employees. The Department is

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focusing on safety-related maintenance such as patching, filling potholes and cleaning out catch basins.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, ratification of the request of the Armonk Fire Department to place a sign at the eagle to advertise its “Open House” on May 17.

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, ratification of the request of Byram Hills High School to place a sign at the eagle to publicize the Science Research Symposium on June 3.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, ratification of the request from Hillside Church to place a sign at the eagle to publicize Community Day on May 31.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, ratification of the request from American Legion Post 1097 to place a sign at the eagle to publicize its Memorial Day Parade on May 30.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from Governor Paterson confirming receipt of Supervisor Berman’s submission of projects for American Recovery and Reinvestment Act funds.

The roll vote was as follows:

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

Noes: None.

Supervisor Berman moved, seconded by Councilman Geist, receipt of a letter from Steven Seiden expressing his gratitude to Superintendent Fon for his diligence and professionalism when assisting him with a matter involving his home.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of franchise fee payments from Cablevision for the first quarter ending March 31, 2009 in the amounts of \$32,284 and \$7,059.

The roll vote was as follows:

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

Noes: None.

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Councilman Geist moved, seconded by Councilman Kittredge, receipt of a copy of a letter from Westchester County Legislator John Nonna to Assemblyman Adam Bradley requesting an exemption for municipalities from the new payroll tax (which is a part of the MTA rescue package) that has been afforded to school districts.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval for the Town of North Castle to participate in the Northern Westchester Energy Action Coalition Intermunicipal Agreement. Participating municipalities in the 2009 agreement are Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Ossining, Pound Ridge, Somers and Yorktown and the Villages of Croton-on-Hudson, Mount Kisco and Ossining.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, support of collateral source legislation in Albany to end unfair double recoveries of lost future earnings which are permitted in favor of public employees in personal injury and other tort actions. Councilman Geist asked that a letter in support be forwarded to State Senator Suzi Oppenheimer and Assemblyman Adam Bradley.

The roll vote was as follows:

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

Noes: None.

Councilman Geist informed the Board that there is new legislation in Albany to facilitate consolidation and dissolution of special districts. He asked the Supervisor to contact Assemblyman Bradley and State Senator Oppenheimer to express the North Castle's disgust. Councilman Geist moved, seconded by Councilman Weaver, adoption of a resolution in opposition to the new legislation regarding consolidation.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Town Attorneys to execute the Stipulation and Consent Judgment in the Virginia Road Associates vs. Town of North Castle matter – Index No. 17505/02 et al., for years 2002 through 2008.

The roll vote was as follows:

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

Noes: None.

Abstentions: Councilman Geist.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request from Joan Lunden Productions to film a promotional video in the Armonk hamlet on May 28.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a Workers' Compensation report on Robert Schupp, Highway Department.

The roll vote was as follows:

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

Noes: None.

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Councilman Geist moved, seconded by Councilman Kittredge, that the Supervisor be authorized to make the budget transfers that follow at the end of these minutes.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign a lease agreement with Westchester County Department of Parks, Recreation and Conservation in the amount of \$23,625 for the Fisher Lane commuter parking lot for the term April 1, 2009 – March 31, 2010.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign Amendment B to the Municipal Snow and Ice Agreement with New York State (NYSDOT) for the year 2008 – 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor and Town Clerk to sign a Lease Purchase Agreement for Ford Explorer to be used by the Police Department.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to execute a Professional Services Agreement between the Town of North Castle and Michael A. Richardson, Labor Relations Consultant.

The roll vote was as follows:

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

Noes: Councilman Kittredge

The Town Board audited and approved payments totaling \$328,101.03 as indicated on Warrant #9.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:50 p.m. in memory of Ruth Kuhn, lifelong Armonk resident and stalwart of the Historical Society.

Ann Leber, Town Clerk

Dated: June 9, 2009

PUBLIC HEARING

May 27, 2009

At 8:05 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing to consider authorizing the issuance of an additional \$600,000 bonds to pay a portion of the \$5,300,000 estimated maximum cost of the increase and improvement of the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York., consisting of improvements to the wastewater treatment plant for nitrogen removal purposes.

The Order calling the Public Hearing was marked Exhibit "A" for the record and is attached to the end of these minutes.

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

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

Supervisor Berman explained that the bonds are necessary to pay for additional engineering and construction fees in connection with the nitrogen removal project. In response to the Supervisor's query regarding procedure, Town Attorney Baroni advised the Town Board to close the public hearing, adopt the negative declaration, the public interest order and then the bond resolution.

Councilman Weaver noted that 50% of the interest is subsidized by the NYS Environmental Facilities Corporation.

Resident Lydia Rippstein asked if the additional funds will be used to expand the capacity of the plant. Supervisor Berman assured Ms. Rippstein that this bonding is not about increasing the capacity of the plant.

Supt. Anthony Futia added that the Town did increase the original sewer capacity with the previous bond resolution about two years ago. The nitrogen removal has to do with a NYS mandate.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Geist moved, seconded by Councilman Kittredge, that the Public Hearing be closed at 8:10 p.m.

Vote Unanimous.

Councilman Geist moved, seconded by Councilman Kittredge, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the adoption of the Public Interest Order to increase and improve the facilities of Sewer District No. 2, consisting of improvements to the wastewater treatment plant for nitrogen removal purposes at an estimated cost of \$5,300,000, an increase of \$600,000 over the previously authorized.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the authorization of the issuance of an additional \$600,000 bonds of the Town of North Castle to pay a portion of the \$5,300,000

estimated maximum cost of the increase and improvement of the facilities of Sewer District No. 2, consisting of improvements to the wastewater treatment plant for nitrogen removal purposes.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: June 1, 2009

PUBLIC NOTICE

May 27, 2009

At 8:10 p.m. Supervisor Berman 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 May 27, 2009 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York 10504 to consider the adoption of a Local Law governing sewer use in the Quarry Heights area.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: May 13, 2009
Armonk, New York

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 was marked Exhibit "C" for the record.

At Supervisor Berman's request, Town Attorney Baroni explained that the proposed changes to Town Code involve a policy decision for the Town Board regarding those few homeowners who may wish to come into the district now but did not originally sign up and therefore did not benefit from State and Federal grant money. Does the Town want the responsibility for maintenance of laterals and grinder pumps for those properties that wish to connect to the sewer system now, or should the responsibility remain with those property owners?

Supervisor Berman clarified that of the 57 properties in the area, 53 property owners signed private easements, contributed some funding and received a substantial amount of grant money. The remaining 4 property owners did not participate although offered several opportunities to do so.

Water & Sewer Superintendent Anthony Futia recommended that, since the project is complete, the four property owners that did not participate must follow the same procedures as would apply in any other sewer district. If they wish to join the sewer district, they must apply for a road opening permit and put in the proper pumps as specified in Town Code, at their expense. Those residents should follow the regulations that are on the books just like anyone else that did not get subsidized.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Geist, that the Public Hearing be closed at 8:17 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, the adoption of Local Law 5 of the year 2009 governing sewer use in the Quarry Heights area.

The roll call vote was as follows:

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

Noes: None.

Ann Leber, Town Clerk

Dated: June 9, 2009