

**REGULAR MEETING/WORKSESSION
TOWN HALL ANNEX
NOVEMBER 9, 2010**

PRESENT: Supervisor: Warren Lucas
Councilman: Stephen Bobolia
Councilman: Peter Kamenstein
Councilwoman: Amy Rosmarin
Town Clerk: Veronica Howley
Attorney for Town: Roland Baroni

ABSENT: Councilwoman: Elizabeth Reeve

OTHERS PRESENT: Planning Board Chair Cynthia Curtis

The meeting was called to order by Supervisor Lucas at 7:50 P.M. A Public Hearing to consider a repeal of the current and adoption of a new Freshwater Wetlands Law was held prior to the Regular Meeting/Worksession.

The Town Clerk presented the Supervisor's 2011 Tentative Budget to the Town Board.

APPROVAL OF MINUTES

The following Minutes as submitted by the Town Clerk were approved:

10/12/10 – Regular Meeting/Worksession
10/19/10 – Regular Meeting/Worksession
11/03/10 – Special Meeting

REPORTS

The following reports were approved:

1. Building Inspector's Monthly Report – October 2010.
2. Highway Department Monthly Report – October 2010.
3. Planning Board Financial Report – October 2010.
4. Police Department Monthly Report – October 2010.
5. Receiver of Taxes Monthly Report – October 2010.
6. Recreation Department Monthly Report – October 2010.
7. Supervisor's Monthly Report – October 2010.
8. Town Clerk's Monthly Report – October 2010.

RESOLUTIONS

RESOLUTION #252-TO PAY TOWN BILLS

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that Town Bills totaling \$1,100,987.96 as listed on Abstract #11, Claims 1039 through 1121 be audited, approved and ordered paid.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #253-TO PAY HIGHWAY BILLS

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that Highway Bills totaling \$62,742.32 as listed on Abstract #11, Claims 370 through 395 be audited, approved and ordered paid.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #254-TO AUTHORIZE SUPERVISOR TO SIGN SHORT ENVIRONMENTAL ASSESSMENT FORM KEELER LANE: HUNT LANE TO ROUTE 121

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign the Short Environmental Assessment Form for the Keeler Lane: Hunt Lane to Route 121 Project, PIN 8760.21, as prepared by Frank Annunziata, P.E., of Hahn Engineering.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #255-TO AUTHORIZE SUPERVISOR TO SIGN AMENDMENT TO CONTRACT DRAINAGE IMPROVEMENTS- PHASE II STORMWATER IMPLEMENTATION PROJECT

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign Amendment No. 1 to Contract No. C302958 for the Drainage Improvements – Phase II Stormwater Implementation Project 2005 WQI 7140, extending the contract end date from October 31, 2010 to July 31, 2011.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #256-TO AUTHORIZE SUPERVISOR TO SIGN AMENDMENT TO CONTRACT STORMWATER PHASE II IMPLEMENTATION TOWN WIDE PROJECT

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign Amendment No. 1 to Contract No. C302501 for the Stormwater Phase II Implementation – Town Wide Project 2003 WQI6017 extending the contract end date from December 31, 2010 to July 31, 2011.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #257-TO AUTHORIZE DISPOSAL OF COMPUTER EQUIPMENT

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the disposal of an irreparable HP 1702 computer monitor, Serial Number CNC4480RGX.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #258-TO AUTHORIZE SUPERVISOR TO SIGN APPLICATIONS FOR PERMITS TO OPERATE PUBLIC WATER SUPPLY AND PAY ANNUAL FEES

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign Westchester County Department of Health, Bureau of Environmental Health Applications for Permits to Operate Public Water Supply for the Candlewood Park Water District, the Croton Falls Water District and the Sunset Ridge Water District, and be it further

RESOLVED, that the Town Board of the Town of North Salem approves the payment of the annual fee to the Westchester County Department of Health for two hundred seventy-five dollars (\$275.00) for each application, or a total amount of eight hundred twenty-five dollars (\$825.00).

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #259-TO AUTHORIZE SUPERVISOR TO SIGN SNOW AND ICE AGREEMENT EXTENSION WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign the Municipal Snow and Ice Agreement Extension with the New York State Department of Transportation for 2012-2013.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #260-TO REAPPOINT MEMBER TO THE CONSERVATION ADVISORY COUNCIL

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby re-appoints Brian Bartsch to the Conservation Advisory Council (CAC) for a term to expire on October 31, 2012.

Supervisor Lucas – Aye
Councilman Bobolia - Aye

Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #261-TO APPOINT MEMBER OF CONSERVATION ADVISORY COUNCIL

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Board of the Town of North Salem hereby appoints Nancy Welo to the Conservation Advisory Council (CAC) for a term to expire on October 31, 2012.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #262-TO APPOINT CHAIRMAN CONSERVATION ADVISORY COUNCIL

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem hereby appoints Brian Bartsch, Chairman of the Conservation Advisory Council for a term to expire on December 31, 2010.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #263-TO AUTHORIZE SUPERVISOR TO ACCEPT PROPOSAL CROTON FALLS WATER DISTRICT BUILDING

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to accept a proposal submitted by RoSal Enterprises, LLC, for the installation of vented metal soffits and metal fascias along the perimeter of the Croton Falls Water District building at the cost of one thousand six hundred seventeen dollars (\$1,617.00).

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #264-TO AUTHORIZE SUPERVISOR TO SEEK BIDS WEST VIEW CROSS ROAD WATER QUALITY IMPROVEMENT PROJECT

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem authorizes the Supervisor to seek bids for the Westview Cross Water Quality Improvement Project.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #265-TO AUTHORIZE SUPERVISOR TO SIGN SHORT ENVIRONMENTAL ASSESSMENT FORM WEST VIEW CROSS WATER QUALITY IMPROVEMENT PROJECT

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign the Short Environmental Assessment Form for the West View Cross Road Water Quality Improvement Project as prepared by Frank Annunziata, P.E., of Hahn Engineering.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #266-TO AUTHORIZE SUPERVISOR TO MAKE DIRECT PAYMENTS CROTON FALLS WATER DISTRICT

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem acknowledges receipt of the following documents on behalf of the Croton Falls Water District:

- A. Letters from Jubco Site Development, LLC dated 10/20/10 authorizing direct payments to P&D Electric of Hudson Valley, Inc. and Lumar Plumbing & Heating, Inc. from funds available to the Town of North Salem. (The balance of funds due to each sub-contractor by Jubco Site Development LLC shall be payable in accordance with certain promissory notes and confessions of judgment executed between the contractor and sub-contractors; copies of which have been provided to the Town of North Salem, but there shall be no further recourse against the Town or the Croton Falls Water District on account of same.); and
- B. Release of Lien executed by Lumar Plumbing and Heating, Inc. in favor of the Town of North Salem and the Croton Falls Water District;

and be it further

RESOLVED, that the Supervisor is authorized to make direct payment to P&D Electric of Hudson Valley, Inc. in the amount of \$10,878.26 and Lumar Plumbing and Heating, Inc. in the amount of \$29,329.38.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #267-TO PAY SULLIVAN DATA SYMANTEC ANTI-VIRUS LICENSES

Motion made by Supervisor Lucas
Seconded by Councilwoman Rosmarin

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes payment in the amount of one thousand four hundred seventy-two dollars and twenty-one cents (\$1,472.21) to Sullivan Data Management, Inc. for Symantec Anti-Virus Licenses for the Town computer system.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #268-TO PERMIT AND REGULATE ACCESSORY, SEASONAL OUTDOOR DINING - SEQR DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) AND ADOPTION OF ZONING ORDINANCE AMENDMENT

Motion made by Supervisor Lucas

Seconded by Councilwoman Rosmarin

WHEREAS the Town of North Salem Town Board is desirous of providing a zoning regulatory framework within which seasonal outdoor restaurant seating facilities are to be sited, designed and otherwise developed within the Town of North Salem in order to ensure the public health, safety and general welfare for both present and future residents of the Town, and

WHEREAS the proposed legislation will establish standards to allow and regulate seasonal outdoor restaurant seating as a permitted accessory land use by Special Permit, subject to review and approval of the North Salem Board of Appeals. Site development plan approval from the North Salem Planning Board will also be required as well as Building Permit and potentially other local, county and regional and State permit approvals, and

WHEREAS the proposed legislation may enable increased economic opportunities and provide social and recreational resources not currently available or permitted in the Town, and

WHEREAS the Town of North Salem Town Board, as part of the review of the proposed zoning amendment, has conducted SEQR and zoning review of the proposed action involving the following steps:

- Consideration of the Planning Board's recommendations and review and revision of the draft zoning amendments,
- Review of a Full Environmental Assessment Form, Parts 1 and 2 and related attachments,
- Determination that the proposed action is considered a Type I Action in accordance with SEQR 6 NYCRR Part 617.4(b)(2),
- Declared the Town of North Salem Town Board as the Lead Agency as it is the sole agency in regard to the funding, approval and direct undertaking of the proposed action (as there are no other SEQR involved agencies with whom to coordinate),
- Referred the proposed zoning amendment to the Westchester County Planning Board and the adjacent Town of Southeast, Somers and Lewisboro,
- Held a public hearing on the proposed action at the Town Board's regular meetings which was opened on August 10, 2010 and closed on August 24, 2010.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of North Salem as lead agency pursuant to SEQR 6 NYCRR Part 617 hereby determines that the proposed action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement (EIS) will not be required, and

BE IT FURTHER RESOLVED that the Town Board, as lead agency, relies on the following reasons to support its determination of Non-Significance (Negative Declaration):

1. The proposed action does not involve any land use, disturbance or development. Therefore, there are no impacts on land, water, air, aesthetic, historical or energy resources or transportation systems. Similarly, there are no adverse impacts on agricultural land, open space or community character.
2. The proposed action involves zoning provisions which would regulate the development and siting of accessory facilities to ensure compatibility with the existing character and uses permitted within the Town, and to minimize visual, aesthetic and community character intrusion.
3. The proposed legislation requires consideration of adjoining land uses and properties, existing architectural and community character issues, site design considerations and other natural resource and environmental factors.
4. The proposed legislation ensures land uses which are consistent with the Town's rural, residential character and visual appearances, and
5. The proposed legislation is consistent with the Town's Master Plan and with the Greenway Compact Plan.

BE IT FURTHER RESOLVED that the Town of North Salem Town Board hereby adopts the proposed zoning amendments contained in the Local Law, and

BE IT FURTHER RESOLVED that a Notice of Adoption will be published in the Town’s official newspaper as prescribed by law, and

BE IT FURTHER RESOLVED that a copy of this resolution will be circulated to the Town’s Building Inspector, Zoning Board of Appeals, Attorney and Planning Board, and

BE IT FURTHER RESOLVED that the Town of North Salem Town Board will circulate a copy of the Adopted Local Law to specific interested agencies and persons.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

RESOLUTION #269-TO GO INTO EXECUTIVE SESSION

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem go into Executive Session to discuss litigation.

Supervisor Lucas – Aye
Councilman Bobolia - Aye
Councilman Kamenstein – Aye
Councilwoman Reeve – Absent
Councilwoman Rosmarin - Aye
Resolution Adopted.

WORKSESSION

1. **Discuss 2011 Budget**

The Board discussed the 2011 Preliminary Budget.

2. **Discuss New Dog Licensing Laws and Fees**

As part of the 2010-2011 State Budget, Governor Paterson signed a measure into law that moved the entire dog licensing function required by Article 7 of the Agriculture and Markets Law to local government.

The Board discussed the draft amendments and set a public hearing for December 14, 2010 at 7:30 pm. in the Annex.

3. **Discuss Croton Falls Holiday Event**

The Croton Falls merchants are inviting all residents to attend a Winter Celebration which they are calling “It’s A Wonderful Life” in the Croton Falls Town Center on Sunday, December 5th from 2 pm – 6 pm.

There being no further business and all those wishing to be heard having been heard, the meeting adjourned into executive session at 10:00 P.M. Motion was made by Supervisor Lucas, seconded by Councilman Kamenstein. All voted in favor.

S E A L

Veronica Howley
Town Clerk