

**NORTH SALEM TOWN BOARD
REGULAR MEETING/WORKSESSION
TOWN HALL ANNEX
AUGUST 9, 2011**

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

OTHERS PRESENT: Attached

The regular meeting was called to order by Supervisor Lucas at 7:30 P.M.

APPROVAL OF MINUTES

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

- July 12, 2011 Regular Meeting/Worksession
- July 26, 2011 Regular Meeting/Worksession

REPORTS

The following reports were approved:

1. Building Inspector's Monthly Report – July 2011.
2. Highway Department Monthly Report – July 2011.
3. Planning Board Financial Report – July 2011.
4. Police Department Monthly Report – July 2011.
5. Receiver of Taxes Monthly Report – July 2011.
6. Recreation Department Monthly Report – July 2011.
7. Supervisor's Monthly Report – July 2011.
8. Town Clerk's Monthly Report – July 2011.

PRESENTATION

Senator Greg Ball explained the new property tax cap and how it will affect local government and school districts, as well as, several bills which are currently underway in Albany.

Supervisor Lucas called for a recess at 8:30 pm. The regular meeting reconvened at 8:40 pm.

RESOLUTIONS

RESOLUTION #183-TO PAY TOWN BILLS

Motion made by Supervisor Lucas
Seconded by Councilwoman Reeve

RESOLVED, that Town Bills totaling \$527,584.62 as listed on Abstract #8, Claims 669 through 769 be audited, approved, and ordered paid.

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

RESOLUTION #184-TO PAY HIGHWAY BILLS

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that Highway Bills totaling \$41,424.61 as listed on Abstract #8, Claims 279 through 307 be audited, approved, and ordered paid.

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

RESOLUTION #185-TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR THE 2010 SENIOR CITIZEN NUTRITION PROGRAM

Motion made by Supervisor Lucas
Seconded by Councilwoman Reeve

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign a Memorandum of Agreement among the Towns of Somers, Lewisboro and North Salem for the Senior Citizen Nutrition Lunch Program provided by the Town of Somers effective January 1, 2010 through December 31, 2010 and authorizes a payment in the amount of \$20,414 to the Town of Somers.

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

RESOLUTION #186-TO AUTHORIZE SUPERVISOR TO SIGN GOOD FAITH AGREEMENT FOR THE 2011 SENIOR CITIZEN NUTRITION PROGRAM

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 a Memorandum of Agreement among the Towns of Somers, Lewisboro and North Salem for the Senior Citizen Nutrition Lunch Program provided by the Town of Somers effective January 1, 2011 through December 31, 2011 at a cost to be determined after a complete statement of expenses is available.

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

RESOLUTION #187-TO AUTHORIZE TOWN CLERK TO ADVERTISE FOR HIGHWAY MATERIALS AND SERVICE BIDS

Motion made by Supervisor Lucas
Seconded by Councilman Bobolia

RESOLVED, that the Town Clerk, on behalf of the Superintendent of Highways, be authorized to advertise for bids for the following materials and services. Said bids to be publicly opened and read at the Town Hall located at 266 Titicus Road, North Salem, N.Y. on August 19, 2011 at 11:00 AM.

Bank Run Gravel	Enviro pave
Crushed Bank Run Gravel	Tree Trimming
Crushed Stone	Flaked Calcium Chloride
Washed and Screened Gravel	Liquid Magnesium Chloride

Crushed Trap Rock
 #4 Filter Stone
 Crushed Run Stone
 Tailings
 Subbase Course #1
 Crushed Gravel
 Washed Concrete Sand
 Dry Screened Sand

Bituminous Concrete
 Catch Basin/Culvert Cleaning
 Street Sweeping
 #2 Fuel Oil-Heating
 Low Sulfur Diesel Fuel for vehicles
 Guide Rail Materials & Installation
 Snow Plow Blades
 Grader Blades

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

RESOLUTION #188-TO ACKNOWLEDGE FORMATION OF EAST OF HUDSON WATERSHED CORPORATION

Motion made by Supervisor Lucas
 Seconded by Councilman Bobolia

WHEREAS, the Town of North Salem is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

WHEREAS, the Town of North Salem and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems (“MS4 Permit”), pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation (“NYSDEC”) on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated an agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination (“2007 FAD”) to the EOH communities; and

WHEREAS, the 2010 WSP encouraged the formation of a regional stormwater entity (“RSE”) to organize, administer and implement the stormwater retrofit projects, by providing that up to \$50,000 of the \$15.5 million could be used by the EOH communities for the formation of the RSE; and

WHEREAS, the EOH Coalition has drafted articles of incorporation and bylaws for an RSE, which have been favorably reviewed by NYSDEC and the City, to be known as the East of Hudson Watershed Corporation (“EOH Watershed Corporation”), the members of which would be the municipalities located in the EOH Watershed and the Board of Directors of which would be the chief elected officials of the members; and

WHEREAS, the execution of the Funding Agreement and the payment of the \$15.5 million by the City under the Funding Agreement cannot occur until the EOH Watershed Corporation is formed; and

WHEREAS, it is in the best interest of the [Town/Village/County] to authorize the formation of and become a member of the EOH Watershed Corporation for the purpose of jointly organizing, administering and implementing the regional stormwater plans under the MS4 Permit;

NOW THEREFORE BE IT RESOLVED, that the Town of North Salem authorizes the formation of and consents to be a member of the EOH Watershed Corporation, with articles of incorporation and bylaws substantially in form and substance as annexed hereto; and

BE IT FURTHER RESOLVED, that Warren J. Lucas, the Supervisor of the Town of North Salem is hereby designated to serve as the initial member of the Board of Directors of the EOH Watershed Corporation as provided in said articles of incorporation and bylaws.

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

RESOLUTION #189-TO GRANT A WAIVER OF THE APPLICATION PROCESSING RESTRICTIVE LAW

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby grants a waiver of the Application Processing Restrictive Law (APRL) to Ed Isler for six months for the property at 67 Mills Road, North Salem, NY in order to move forward with remediation on that portion of Violation #V11-19, issued on April 25, 2011 by the Town Building Inspector, regarding Chapter 92-4(a) - the requirement of building permits.

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

RESOLUTION #190-TO AUTHORIZE SUPERVISOR TO SIGN CONSENT LETTER FOR COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC PEACH LAKE SEWER DISTRICT

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 a letter as “Owner” of the Peach Lake Sewer District consenting to the installation, operation and maintenance by Comcast Cable Communications Management, LLC on behalf of its affiliates (together, “Comcast”), at Comcast’s sole cost and expense of Comcast’s cable and other equipment into, over, under, across and along the property at 10 Maple Lane, Brewster NY to be used by Comcast to provide communications services to tenants and other occupants of the property.

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

RESOLUTION #191-TO AUTHORIZE SUPERVISOR TO SIGN AMENDMENT NUMBER 2 TO CONTRACT C302501 STORMWATER PHASE II IMPLEMENTATION – TOWN WIDE PROJECT

Motion made by Supervisor Lucas
Seconded by Councilwoman Reeve

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign Amendment Number 2 to Contract Number C302501, with the New York State Department of Environmental Conservation for the Stormwater Phase II Implementation – Town Wide Project. This amendment extends the contract end date from July 31, 2011 to November 30, 2012. There is no change in the scope of work or the dollar amount of the contract.

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

RESOLUTION #192-TO APPROVE CHANGE ORDER NUMBER 8 PEACH LAKE ENVIRONMENTAL CENTER (ARBEN GROUP, LLC)

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby approves Change Order Number 8 for Arben Group, LLC in connection with the Peach Lake Environmental Center in the amount of seventeen thousand one hundred fifteen dollars and fifty cents (\$17,115.50) as recommended in a Letter of Transmittal dated August 3, 2011, by Sarah Cwikla, Stearns & Wheler, LLC, Project Manager for the Peach Lake Sewer District Project.

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

RESOLUTION #193-TO SET A PUBLIC HEARING PROPOSED AMENDMENTS TO CHAPTER 250, ARTICLE IX SIGN REGULATIONS

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby set a public hearing on Tuesday, August 23, 2011 at 7:30 PM or as soon thereafter as possible at the Town Hall Annex, 274 Titicus Road, North Salem, NY for the purpose of considering the proposed amendments to Chapter 250, Article IX, of the Town Code, entitled "Sign Regulations."

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

RESOLUTION #194-TO AMEND SECTION 510 OF EMPLOYEE HANDBOOK CELL PHONE POLICY

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

RESOLVED, that the Town Board of the Town of North Salem hereby amends section 510 of the Town of North Salem Employee Handbook (Adopted September 10, 2002) entitled Telephone Usage, to include the attached Cell Phone Policy (See Attachment #1) and be if further

RESOLVED, that the Employee Handbook be amended accordingly and that all other provisions of section 510 remain the same.

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

RESOLUTION #195-TO AUTHORIZE SUPERVISOR TO APPROVE PAYMENTS 2010 JUSTICE COURT GRANT

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 approve the following payments to be paid from the 2010 Justice Court Grant of \$3,409.00:

1. Matrix Security Systems - \$1,875.00 for the purchase and installation of a surveillance system;
2. Matrix Security Systems - \$545.00 for the purchase and installation of an emergency panic alarm; and
3. North Salem Electric Inc. - \$275.00 for the installation of an electric receptacle.

BE IT FURTHER RESOLVED, that the Town Board of the Town North Salem hereby authorizes the Supervisor to approve future vouchers to spend down the balance of \$714.00 (for the purchase of office equipment) from the 2010 Justice Court Grant.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

RESOLUTION #196-TO AUTHORIZE THE ISSUANCE OF \$50,000 BONDS FOR RECONSTRUCTION OF NORTON LANE BRIDGE

Motion made by Supervisor Lucas

Seconded by Councilwoman Reeve

-ATTACHED-

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

RESOLUTION #197-TO AUTHORIZE THE ISSUANCE OF \$150,000 BONDS FOR RECONSTRUCTION OF BOGTOWN ROAD

Motion made by Supervisor Lucas

Seconded by Councilman Kamenstein

-ATTACHED-

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

RESOLUTION #198-TO AUTHORIZE THE ISSUANCE OF \$40,000 BONDS FOR RECONSTRUCTION OF TOWN GARAGE ROOF

Motion made by Supervisor Lucas

Seconded by Councilwoman Reeve

-ATTACHED-

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

RESOLUTION #199-TO AUTHORIZE THE ISSUANCE OF \$101,991 BONDS FOR PURCHASE OF NEW HOLLAND WHEEL LOADER

Motion made by Supervisor Lucas
Seconded by Councilman Kamenstein

-ATTACHED-

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

WORKSESSION

1. **Discuss Proposed Draft of a Town Policy for Road Closing Requests**

As discussed at the July 26, 2011 Town Board meeting, the Board discussed a Road Closing Policy which Supervisor Lucas drafted.

Based on the discussion, Supervisor Lucas will revise the draft and draft a permit application.

There being no further business and all those wishing to be heard having been heard, the meeting was adjourned at 9:45 P.M. Motion was made by Supervisor Lucas, seconded by Councilman Kamenstein. All voted in favor.

S E A L

Veronica Howley
Town Clerk