

**NORTH SALEM TOWN BOARD  
REGULAR MEETING/WORKSESSION  
TOWN HALL ANNEX  
AUGUST 23, 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:** CPU Chairmen John White  
Planning Board Chairwoman Cynthia Curtis  
Jack Gress and Bill Monte

**The Regular Meeting/Worksession was called to order by Supervisor Lucas at 8:25 P.M.  
A Public Hearing to consider amending Chapter 250, Article IX, of the Town Code entitled  
“Sign Regulations” was held prior to the regular meeting.**

**RESOLUTIONS**

**RESOLUTION #200-TO APPROVE AND RECOMMEND FUNDING AGREEMENT EAST OF HUDSON CORPORATION**

Motion made by Supervisor Lucas  
Seconded by Councilman Kamenstein

**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, 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 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 a draft 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 to the East of Hudson Watershed Corporation, when formed; and

**WHEREAS**, upon formation of the East of Hudson Watershed Corporation, the Board of Directors thereof will have the responsibility of reviewing and approving the final draft of the Funding Agreement; and

**WHEREAS**, it is in the best interest of the Town of North Salem to have the East of Hudson Watershed Corporation enter into the final draft of the Funding Agreement on behalf of the EOH Watershed communities;

**NOW THEREFORE BE IT RESOLVED**, that the Town of North Salem approves the Funding Agreement and recommends to the Board of Directors of the East of Hudson Watershed Corporation, when formed, that the Corporation enter into the Funding Agreement substantially the same in form and substance as the July 12, 2011 draft.

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

**RESOLUTION #201-TO GRANT A WAIVER OF THE APPLICATION PROCESSING RESTRICTIVE LAW**

Motion made by Supervisor Lucas

Seconded by Councilwoman Rosmarin

**RESOLVED**, that the Town Board of the Town of North Salem hereby grants a waiver of the Application Processing Restrictive Law (APRL) to John D' Alessandro for three (3) months for the property at 262 Post Road, North Salem, NY in order to obtain a decision from the ZBA regarding any/all required area variances and an additional three (3) months to obtain a building permit and certificate of compliance to remove violation #V11-08 issued on March 17, 2011 by the Town Building Inspector, regarding Chapter 92-4(a) - the requirement of building permits. The above time limits shall be taken from the date of this resolution and if not satisfied shall require another request to the Town Board for a new waiver of the APRL.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #202-TO AUTHORIZE COMPENSATION BOARD OF ASSESSMENT REVIEW**

Motion made by Supervisor Lucas

Seconded by Councilman Bobolia

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes compensation to the Members of the Board of Assessment Review for the 2011 meetings as follows:

- Chairwoman Judith Katz - \$400.00 – 6 meetings (\$100.00/meeting to a maximum of \$400.00)
- Dorothy Pantano - \$300.00 – 6 meetings (\$75.00/meeting to a maximum of \$300.00)
- Elaine Sweeney - \$300.00 – 6 meetings (\$75.00/meeting to a maximum of \$300.00)

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #203-TO REAPPOINT MEMBER HISTORIC PRESERVATION COMMISSION**

Motion made by Supervisor Lucas

Seconded by Councilman Kamenstein

**RESOLVED**, that the Town Board of the Town of North Salem hereby re-appoints Steven LaRocca to the Historic Preservation Commission for a term to expire on September 1, 2016.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #204-TO AUTHORIZE SUPERVISOR TO SIGN STORMWATER CONTROL FACILITY MAINTENANCE AND ACCESS AGREEMENT – CHINH CHU**

Motion made by Supervisor Lucas

Seconded by Councilman Kamenstein

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes the Town Supervisor to sign a Stormwater Control Facility Maintenance and Access Agreement between the Town of North Salem and Chinh Chu, owner of property at 218 Titicus Road, North Salem, NY.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #205-TO AUTHORIZE SUPERVISOR TO SIGN STORMWATER CONTROL FACILITY MAINTENANCE AND ACCESS AGREEMENT THE AUBURN GROUP, LLC**

Motion made by Supervisor Lucas

Seconded by Councilman Kamenstein

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes the Town Supervisor to sign a Stormwater Control Facility Maintenance and Access Agreement between the Town of North Salem and The Auburn Group, LLC, owner of property at 321 Hardscrabble Road, North Salem, NY.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #206-TO AWARD BID – CLIVUS MULTRUM INC.**

Motion made by Supervisor Lucas

Seconded by Councilwoman Reeve

**RESOLVED**, that the Town Board of the Town of North Salem hereby award a bid to Clivus Multrum Inc., 15 Union Street, Lawrence, MA, 01840, in the amount of forty-one thousand five hundred twenty dollars (\$41,520.00) for a composting restroom facility Model #M54W at Joe Bohrdrum Park.

Supervisor Lucas - Aye

Councilman Bobolia - Aye

Councilman Kamenstein - Aye

Councilwoman Reeve - Aye

Councilwoman Rosmarin - Aye

Resolution Adopted.

**RESOLUTION #207-TO APPROVE CHANGE ORDER CLIVUS MULTRUM INC.**

Motion made by Supervisor Lucas

Seconded by Councilwoman Rosmarin

**WHEREAS**, Clivus Multrum Inc. was awarded the bid for an M54W double restroom facility for Joe Bohrdrum Park and

**WHEREAS**, the additional purchases mentioned below will still be significantly less than the next lowest bidder, be it

**RESOLVED**, that the Town Board of the Town of North Salem approves the change order with Clivus Multrum Inc. for:

1. the purchase of an additional M54 ADA-compliant single restroom; and
2. the delivery and installation of both the M54W and M54 units at Joe Bohrdrum Park,

at a total cost of thirty-three thousand four hundred sixty dollars (\$33,460.00). Said change order allows us to meet the specifications of the current Joe Bohrdrum Park Bio-Sun unit which was vandalized and is being replaced, and it includes a storage chase, and three composting toilets one of which is ADA complaint.

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

**RESOLUTION #208-TO ACCEPT MAINTENANCE BOND CON-TECH CONSTRUCTION TECHNOLOGY, INC.**

Motion made by Supervisor Lucas  
Seconded by Councilman Bobolia

**RESOLVED**, that the Town Board of the Town of North Salem hereby accepts a Maintenance Bond 127387-M for one hundred seventeen thousand six hundred four dollars and seventy cents (\$117,604.70) from Con-Tech Construction Technology, Inc. dated June 20, 2011 for the Water Quality Improvements – East of Hudson Watershed, Westview Cross Road MS-4 Drainage Project.

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

**RESOLUTION #209-TO AUTHORIZE FINAL PAYMENT CON-TECH CONSTRUCTION TECHNOLOGY, INC.**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Reeve

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes the final payment in the amount of nine thousand three hundred dollars and twenty-three cents (\$9,300.23) to Con-Tech Construction Technology, Inc. for work performed in connection with the Water Quality Improvements – East of Hudson Watershed, Westview Cross Road MS-4 Drainage Project as recommended by James Hahn of Hahn Engineering in a letter dated August 1, 2011.

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

**RESOLUTION #210-TO ACCEPT GENERAL RELEASE FROM CON-TECH CONSTRUCTION TECHNOLOGY, INC.**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Rosmarin

**RESOLVED**, that the Town Board of the Town of North Salem hereby accepts a General Release from Con-Tech Construction Technology, Inc. dated June 22, 2011 in connection with the Water Quality Improvements – East of Hudson Watershed, Westview Cross Road MS-4 Drainage Project.

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

**RESOLUTION #211-TO AUTHORIZE PAYMENT OF BILL LANDSCAPE UNLIMITED**

Motion made by Supervisor Lucas  
Seconded by Councilman Bobolia

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes the payment of a bill in the amount of sixty-four thousand one hundred thirty-four dollars and ninety-two cents (\$64,134.92) to Landscape Unlimited. for work performed in Pietsch Gardens and the Peach Commons Station in connection with the Peach Lake Sewer District Project as approved by GHD Consulting Engineers, LLC.

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

**RESOLUTION #212-TO AUTHORIZE COURT CLERK TO ATTEND ANNUAL NEW YORK STATE ASSOCIATION OF MAGISTRATES COURT CLERKS 2011 CONFERENCE**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Reeve

**RESOLVED**, that the Town Board of the Town of North Salem hereby authorizes Patricia Lee Rubino, Court Clerk, to attend the New York State Association of Magistrates Court Clerks 2011 Conference at the Holiday Inn Niagara Falls, 114 Buffalo Avenue, Niagara Falls, NY, September 25-28, 2011 at a cost of eight hundred dollars (\$800.00) for the conference and lodging and be it further

**RESOLVED**, that she will be reimbursed for all actual and necessary expenses incurred in attending the seminar, not to exceed one thousand one hundred dollars (\$1,100.00).

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

**RESOLUTION #213-TO AMEND RESOLUTION #199-11 AND AUTHORIZE THE ISSUANCE OF \$117,773.10 BONDS FOR THE PURCHASE OF CASE WHEEL LOADER**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Rosmarin

**-ATTACHED-**

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

**WORKSESSION**1. **Discuss the Draft Final Generic Environmental Impact Statement (FGEIS) - CPU**

The Board discussed the draft Final Generic Environmental Impact Statement (FGEIS) with Comprehensive Plan Committee Chairman John White and the following resolution was offered:

**RESOLUTION 214-TO ADOPT FGEIS - COMPREHENSIVE PLAN**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Reeve

**RESOLVED**, that the Town Board of the Town of North Salem hereby adopts the Final Generic Environmental Impact Statement (FGEIS) as Complete and sets a 10 day period for public comment commencing on the date that the FGEIS is available for public review. A Notice of Completion shall be prepared by the Town's Planner and filed in accordance with 6 NYCRR Part 617.10(f) (State Environmental Quality Review Law).

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

2. **Discuss Matt Judice's Request to Reduce Purchase Price of "Elcan" Property Along Sunset Drive and Westview Cross Street**

The Board discussed the request they received from Matt Judice of 32 Westview Cross Street for the Town Board to consider reducing the purchase price of the piece of "Elcan" property behind his house which he is interested in purchasing.

The Board agreed to reduce the purchase price from \$5,000.00 to \$3,500.00 because the Town recently laid a drainage pipe on that property and the Town is retaining the use of the property for a possible well in the future. Supervisor Lucas will notify Mr. Judice of their decision.

There being no further business and all those wishing to be heard having been heard, the meeting adjourned at 9:05 P.M. Motion was made by Supervisor Lucas, seconded by Councilman Kamenstein. All voted in favor.

