

Town Board Organizational Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 12, 2011

Supervisor Weaver called the meeting to order at 7:35 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

Councilman Rebecca A. Kittredge was absent.

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

To authorize the continuation of all depositories and accounts of the Town as heretofore established in the prior fiscal year; additionally, Citibank N A, be and hereby is, designated as depository for the Town of North Castle.

To authorize and direct that payment from all Town accounts be made by checks using facsimile signatures of the Supervisor and the Town Clerk. The exception should be noted that the Town Clerk and the Town Justices are authorized to continue their own accounts.

The roll call vote was as follows:

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

Noes: None.

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

To authorize the continuation of all committees and appointees presently in effect unless otherwise specified by the Town Board.

To authorize the continuation of Town's policy of placing legal notices in The Journal News.

To authorize the continuation of the policy of holding regular Town Board meetings on the second and fourth Wednesdays of each month at 7:30 p.m. with the exception of holidays that may conflict and unless otherwise determined by the Town Board.

The roll call vote was as follows:

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

Noes: None.

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

To authorize the policy of paying 51cents per mile for use of personal automobiles by Town employees involved in the performance of Town business with claims subject to the approval of the Town Board.

To authorize the continuation of the Town's Vehicle Policy as adopted by the Town Board on March 22, 2006.

To authorize the continuation of the Town's Purchase Order and Procurement Policy and such will be reviewed by the Town Board.

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The roll call vote was as follows:

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

Noes: None.

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

To authorize the posting of the Town of North Castle Code of Ethics and Article 18 of General Municipal Law in each public building under the jurisdiction of the Town of North Castle.

To authorize the Town Comptroller to make payment in advance of audit of claims for public utility services, postage, freight, and express charges when necessary. All such claims must be presented for the next regular Town Board meeting.

To authorize the Department of Public Works and Police Department to call for and receive bids for certain materials, supplies and equipment needed in those departments.

To authorize the General Foreman of the Highway Department to purchase implements and tools required by the Highway Department in accordance with the Town Purchase Order and Procurement Policy.

The roll call vote was as follows:

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

Noes: None.

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

To authorize the Supervisor to pay 2011 salaries in installments on the following dates: January 14 and 28, February 11 and 25, March 11 and 25, April 8 and 22, May 6 and 20, June 3 and 17, July 1, 15 and 29, August 12 and 26, September 9 and 23, October 7 and 21, November 4 and 18, December 2, 16 and 30.

That elected officials shall maintain and submit time records in accordance with the guidelines established by the New York State Comptroller's Office.

To authorize the Supervisor to use a charge card for payment of Town-related expenses.

Councilman Schiliro moved, seconded by Councilman Roth, to confirm the agreement with Bennett Kielson Storch Yablon & DeSantis, LLP, to audit the financial statements of the Town and the Justice Court as prescribed by New York State for the years 2009 – 2012.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign the agreement between the Town of North Castle and Stephens, Baroni, Reilly & Lewis, LLP for legal services in 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth.

Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign the agreement between the Town of North Castle and Patrick Bliss, Esq. for legal services with regard to the Justice Court in 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth.

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Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Consulting for engineering consultation services in 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth.

Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Consulting for wetlands consultation services in 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth.

Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign the agreement between the Town of North Castle and Michael Richardson, Labor Relations Consultant services for the year 2011.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth.

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

To authorize the Supervisor to sign the agreement between Ambulance District No. 1 and the Valhalla Ambulance Corps for ambulance service in North White Plains for 2011.

To authorize the Supervisor to sign the agreement between the Town of North Castle, on behalf of Fire Protection District No. 3, and Banksville Independent Fire Company for fire protection for 2011.

To authorize the Supervisor to sign the agreement between Fire District No. 2 and the Town of North Castle, on behalf of Fire District No. 3, for emergency ambulance service for 2011.

To authorize the Supervisor to confirm the Hydrant Use Agreements for 2011, with automatic one year renewals unless otherwise determined between: a) Sewer and Water Districts No. 1 of the Town of North Castle and North Castle South Fire District No. 1; and b) Water District No. 2, Water District No. 4, Water District No. 5 and Water District No. 7 of the Town of North Castle and Fire District No. 2.

To authorize the Supervisor to extend the agreement between the Town of North Castle and the Banksville Community House, Inc. for summer recreation programs in 2011.

To authorize the Supervisor to sign the agreement between the Town of North Castle and Eleven Virginia Road Realty Corporation to lease commuter parking spaces, January 1, 2011 – December 31, 2013.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, the adoption of the 2011 Sanitation Schedule.

The roll call vote was as follows:

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

Noes: None.

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After all persons were heard who desired to be heard, the Supervisor closed the organizational meeting at 8:10 p.m.

Anne Curran, Town Clerk

Dated: January 18, 2011

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 12, 2011

Supervisor Weaver called the meeting to order at 8:10 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen:	Michael J. Schiliro
	Diane Roth
	John J. Cronin

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

Councilman Rebecca A. Kittredge was absent.

Councilman Schiliro moved, seconded by Councilman Roth, approval of the minutes of the regular meeting of December 15, 2010.

The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Supervisor Weaver, approval of the minutes of the January 4, 2011 meeting.

The roll call was as follows:

Ayes: Councilmen Schiliro, Supervisor Weaver and Councilman Cronin (based on videotape).

Noes: None.

Councilman Roth abstained as she was not present at the January 4, 2011 meeting.

The minutes of the Public Hearings which commenced at 8:45 p.m. follow at the end of these minutes.

Supervisor Weaver announced that he will appoint Diane Jacobson to the temporary position of Bookkeeper to the Supervisor, effective January 17 through April 15, 2011. He added that Ms. Jacobson is well qualified in municipal finance and she will fulfill responsibilities in this critical time of year end closing and the audit scheduled for early February. Supervisor Weaver added that he intends to determine what long range role will be established for a new head of the Finance Department, as he evaluates job functions in other municipalities, and looks at responsibilities in conjunction with the Supervisor on financial evaluation and reporting.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of the Statement of Findings from NYC Department of Environmental Protection for the Extended NYC Watershed Land Acquisition Program.

The roll call was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a donation from the North Castle Beautification Foundation in the amount of \$1,000 to be used for wreaths on Main Street.

The roll call was as follows:

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

Noes: None.

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Councilman Schiliro moved, seconded by Councilman Roth, authorization for Payment No. 6 to A&R Electric, Inc. in the amount of \$36,081.95 in connection with the wastewater treatment plant nitrogen removal project.

The roll call was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of NYS Master Municipal Multi-Modal Capital Projects Grant in the amount of \$100,000 for completed work to resurface Byram Ridge Road.

The roll call was as follows:

Ayes: Councilmen 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:

Clifford Shapiro	\$342.76
Alfred D'Allesandro	\$268.26

The roll call was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter from Neil Baron regarding completion of the sale of subdivided parcel of 6 Hidden Oak Road to NYC Department of Environmental Protection and authorized the refund of a recreation fee in amount of \$10,000.

The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of Notice of Claim from James T. Brandon vs. Town of North Castle and the matter was referred to the Town Attorney.

The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of 2011 Performance Bond, in the amount of \$1,132,942, for Sani-Pro Disposal Services Corp. for Refuse and Recyclables Collection, Transfer and Disposal Services to Residential and Commercial properties.

The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Town's Attorneys to execute Consent Judgments in the following matters:

Harding Avenue Associates vs. Town of North Castle – Index No. 17997/07 et al.

Gisondi Associates, LP vs. Town of North Castle – Index No. 19795/06 et al.

The roll call was as follows:

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

Noes: None.

Town Board Meeting
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Councilman Roth moved, seconded by Councilman Schiliro, receipt of a Sign Request Form from Town Clerk Curran, which will be used to request authorization for posting of signs at the eagle in Armonk and on the grass median in North White Plains between North Broadway and Route 22, and further moved that the Town Clerk be authorized to approve sign requests.

The roll call was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of the Town Clerk's report for the month of December, 2010.

The roll call was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a mortgage tax update for November 2010 from Comptroller Dawn Donovan. The projection for November 2010 is \$45,000.

The roll call was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to execute the Declaration of Restrictions and License Agreement with 868 North Broadway, LLC.

The roll call was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign a contract with WeatherWorks in the amount of \$1,690 for weather consulting services for the year 2011.

The roll call was as follows:

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

Noes: None.

Supervisor Weaver moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign Extensions to the Municipal Snow and Ice Agreement with New York State (NYSDOT) for 2012 and 2013.

The roll call was as follows:

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

Noes: None.

Councilman Cronin moved, seconded by Councilman Roth, authorization for the Supervisor to sign retainer agreement with Keane & Beane, P.C. in connection with proceeding commenced by Anthony Futia against certain Town Officials.

The roll call was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the agreement with James W. Sewall Company in the amount of \$5,175 to maintain the Town's tax maps in 2011.

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The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, approval of terminal leave pay for Antonio Sanchez, Highway Department.

The roll call was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of two letters from General Foreman. Useted: 1) Announcing his retirement, effective February 26, 2011 and 2) Requesting use of 23 vacation days beginning January 24, 2011 through February 25, 2011. Supervisor Weaver stated he would investigate if there would be proper coverage to grant Mr. Useted's request for vacation days.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a letter from ZBA Chair, George Nagel, and approval of the appointment of Jacqueline Johnson as ZBA transcribing secretary.

The roll call was as follows:

Ayes Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Cronin moved, seconded by Councilman Roth, the designation of Councilman Michael Schiliro as the Town's voting delegate at the Annual Business Session of the Association of Towns on February 23, 2011.

The roll call was as follows:

Ayes Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None

Councilman Schiliro moved, seconded by Supervisor Weaver, the following:

Approval of the request of General Foreman Useted for the release of Highway Bonds:

Cablevision Permit #s 559, 561, 562, 563, 564, 570 \$4,500

To be reinstated to the \$50,000 bond provided.

County Marking Permit #1005 \$500

Letter from Gene Matusow recognizing Robert Schmidt, former Chairman of the Zoning Board of Appeals and Peter Van de Water, former Chairman of the Planning Board.

Workers Compensation Reports for a Building Department employee and a Highway Department employee.

Letter from Steven Broomer recognizing Highway workers Marc DiFiore, Gerardo DiFeo and Anthony Sanchez.

The roll call was as follows:

Ayes Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the emergency purchase of a new plow in the amount of \$7,892.

The roll call was as follows:

Ayes Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None

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January 12, 2011

The Town Board audited and approved payments totaling \$608,544.26 as indicated on Warrant #24.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:15 p.m. in memory of Rose Bollella, Dorothy Kavanaugh, Mary Ann Hassig, Margaret Stevenson and Faber Croll.

Anne Curran, Town Clerk

Dated: January 25, 2011

PUBLIC HEARING

January 12, 2011

At 8:45 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing entered as Exhibit "A" for the record, attached to the end of these minutes, to consider the Increase and Improvement of the Facilities of Water District No. 1 in the Town of North Castle, Westchester County, New York.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: December 30, 2010
Armonk, New York

The Order calling the Public Hearing was marked as Exhibit "A" for the record.

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

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

Supervisor Weaver asked Superintendent Futia and Assistant Superintendent Misiti to provide information regarding the proposed increase to the borrowing for Water District No.1.

Mr. Futia said the increase in the cost of the water tank rehabilitation project was due to the amount of time which had passed since the Town requested proposals for professional services in 2005, as detailed in the timeline prepared by the Water Department. He said that over the next 5 and $\frac{3}{4}$ years there were many delays, including law suits, right of way issues, Health Department mandates and changes in government regulations. The bond resolution authorizing \$730,000 was adopted in 2007. Mr. Misiti said that legal issues with the easement eventually led the contractor to walk away from the project. It was necessary to go through the process again, and in 2010 the bid was awarded for \$800,000. Additional costs were incurred for engineering services, survey work, legal expenses and product changes.

Councilman Schiliro recommended that the contingency amounts, for projects of this type which can take longer periods of time than initially expected, should be increased rather than having to increase the amount of the borrowing. Mr. Schiliro said that when additional expenses for future projects are anticipated, the Board should be advised so contingency amounts can be reviewed.

No other correspondence was entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman Roth, that the Public Hearing be closed at 8:57 p.m.

Town Board Meeting
January 12, 2011

The roll call vote was as follows:
Ayes: Councilmen, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, the authorization and issuance of additional \$400,000 in borrowing to pay for the cost of the increase and improvements of the facilities of Water District No. 1.

The roll call vote was as follows:
Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Anne Curran, Town Clerk

Dated: January 25, 2011

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, 15 Bedford Road, in Armonk, New York on December 15, 2010, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:
William R. Weaver, Supervisor
Rebecca A. Kittredge, Councilman
Michael J. Schiliro, Councilman
Diane Roth, Councilman
John J. Cronin, Councilman

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In the Matter	:	
of	:	ORDER CALLING PUBLIC HEARING
the Increase and Improvement of the	:	
Facilities of Water District No. 1 in the	:	
Town of North Castle, Westchester	:	
County, New York	:	
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WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has previously considered the increase and improvement of the facilities of the Water District No. 1 in said Town, consisting of the painting of a water storage tank, and related and incidental improvements and expenses in connection therewith; and

WHEREAS, the Town Board of said Town has duly caused to be prepared a map, plan and report, including an estimate of cost relating to said increase and improvement of facilities of such Water District No. 1; pursuant to an engineering report prepared by Charles A. Manganaro Consulting Engineer, P.C., professional engineers; and

WHEREAS, the estimated maximum cost to such Water District No. 1 of such increase and improvement of facilities was determined to be \$730,000; and

WHEREAS, on January 10, 2007, the Town Board held a public hearing and thereafter adopted an order determining the aforesaid increase and improvement, at an estimated maximum cost of \$730,000, to be in the public interest, and adopted a bond resolution authorizing \$730,000 bonds to pay the cost thereof;

WHEREAS, it has since been determined, following the receipt of bills and certain change orders, that the estimated maximum cost should be increased to \$1,130,000;

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the map, plan and report, including the revised estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

Town Board Meeting
January 12, 2011

ORDERED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of North Castle, Westchester County, New York, shall be held at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on January 12, 2011, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Water District No. 1 in said Town, and the map, plan and report including revised estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the *Journal News*, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of North Castle, Westchester County, New York, will meet at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on January 12, 2011, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Water District No. 1 in said Town, consisting of the painting of a water storage tank, and related and incidental improvements and expenses in connection therewith, including incidental expenses in connection therewith, at a revised estimated maximum cost of \$1,130,000, an increase of \$400,000 over the previous estimated maximum cost, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Water District No. 1 in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The map, plan and report, including estimate of cost, relating to this project is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

Dated: Armonk, New York
December 30, 2010

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NORTH CASTLE,
WESTCHESTER COUNTY, NEW YORK

Anne Curran, Town Clerk

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Supervisor William R. Weaver VOTING Aye
Councilman Rebecca A. Kittredge VOTING Aye
Councilman Michael J. Schiliro VOTING Aye
Councilman Diane Roth VOTING Aye
Councilman John J. Cronin VOTING Aye

The resolution was thereupon declared duly adopted.

PUBLIC HEARING

January 12, 2011

At 8:58 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing entered as Exhibit "A" for the record, attached to the end of

Town Board Meeting
January 12, 2011

these minutes, to consider the Increase and Improvement of the Facilities of Water District No. 2 in the Town of North Castle, Westchester County, New York.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: December 30, 2010
Armonk, New York

The Order calling the Public Hearing was marked as Exhibit "A" for the record.

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

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

A memo from Superintendent Futia dated January 6, 2011 was marked Exhibit "D" for the record.

Supervisor Weaver asked Superintendent Futia and Assistant Superintendent Misiti to provide information regarding the proposed increase to the borrowing for Water District No.2.

Mr. Misiti said the project included three parts: a new water storage tank, a new water supply well, and the integration of the new water supply well into the current system. The timeline prepared by the Water Department details the key dates beginning with the proposal for the well boring in 2004. The cost estimate for the project was \$1,650,000 to cover all costs. The bond resolution authorizing the amount was adopted in 2007. The storage tank was built and running in two years at a lower cost than the bid amount of \$1,343,650. Mr. Misiti said the supply well construction was delayed due to regulatory issues. The Health Department issued approval for the location of the well, pending the issuance of a wetland permit from NYSDEC. Upon completion of the well construction, it was necessary to obtain a water taking permit from DEC which was just recently issued. The engineer had previously estimated the well integration cost at about \$100,000, but the low bid was \$445,768. Mr. Misiti explained that due to changes in the groundwater rule regulations, the Town was required to take samples for thirty weeks to prove the surface water had not infiltrated into the well.

Councilman Schiliro said that because DEC regulations could change the cost of a project, he recommended the cost increase be built into future projects with a higher contingency amount. Mr. Schiliro questioned the large differences in the amounts for the same items between the two bidders for the well integration. Mr. Misiti said at the request of the Water Department the engineer met with the bidders and the differences were attributable to the various subcontractors needed. Mr. Schiliro confirmed with Mr. Misiti that the engineer is comfortable that the large variances make sense and the work can be completed for the lower cost.

Mr. Futia said that the Windmill tank is concrete which should last forever and only require spray painting of the outside, unlike the steel tanks in North White Plains which need to be redone about every twenty five years. Mr. Misiti said the new tank tripled the water supply capacity for fire protection from 200,000 gallons to 600,000 gallons.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman Roth, that the Public Hearing be closed at 9:08 p.m.

The roll call vote was as follows:

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

Noes: None.

Town Board Meeting
January 12, 2011

Councilman Schiliro moved, seconded by Councilman Roth, the authorization and issuance of additional \$400,000 in borrowing to pay for the cost of the increase and improvements of the facilities of Water District No. 2.

The roll call vote was as follows:
Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Anne Curran, Town Clerk

Dated: January 25, 2011

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, 15 Bedford Road, in Armonk, New York on December 15, 2010, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:
William R. Weaver, Supervisor
Rebecca A. Kittredge, Councilman
Michael J. Schiliro, Councilman
Diane Roth, Councilman
John J. Cronin, Councilman

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In the Matter	:	
of	:	ORDER CALLING PUBLIC HEARING
the Increase and Improvement of the	:	
Facilities of Water District No. 2 in the	:	
Town of North Castle, Westchester	:	
County, New York	:	
-----:	:	

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has previously considered the increase and improvement of the facilities of the Water District No. 2 in said Town, consisting of the construction of a new water storage tank and well, together with related facilities, and incidental improvements and expenses in connection therewith; and

WHEREAS, the Town Board of said Town has duly caused to be prepared a map, plan and report, including an estimate of cost relating to said increase and improvement of facilities of such Water District No. 2; pursuant to an engineering report prepared by Stearns & Wheler, professional engineers, entitled “Windmill Farms Water Storage Tank” and dated December, 2005, and by Leggette, Brashears & Graham, Inc., professional engineers, dated May 23, 2006; and

WHEREAS, the estimated maximum cost to such Water District No. 2 of such increase and improvement of facilities was determined to be \$1,650,000; and

WHEREAS, on January 10, 2007, the Town Board held a public hearing on the same, which was adjourned until January 24, 2007, to permit additional comments to be heard, and thereafter adopted an order determining the aforesaid increase and improvement, at an estimated maximum cost of \$1,650,000, to be in the public interest, and adopted a bond resolution authorizing \$1,650,000 bonds to pay the cost thereof;

WHEREAS, it has since been determined, following the receipt of bills, that the estimated maximum cost should be increased to \$2,050,000;

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the map, plan and report, including the revised estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:
January 12, 2011

Town Board Meeting
January 12, 2011

Section 1. A meeting of the Town Board of the Town of North Castle, Westchester County, New York, shall be held at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on January 12, 2011, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Water District No. 2 in said Town, and the map, plan and report including revised estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the *Journal News*, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of North Castle, Westchester County, New York, will meet at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on January 12, 2011, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Water District No. 2 in said Town, consisting of the construction of a new water storage tank and well, together with related facilities, and related and incidental improvements and expenses in connection therewith, including incidental expenses in connection therewith, at a revised estimated maximum cost of \$2,050,000, an increase of \$400,000 over the previous estimated maximum cost, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Water District No. 2 in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The map, plan and report, including estimate of cost, relating to this project is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

Dated: North Castle, New York
December 30, 2010

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NORTH CASTLE,
WESTCHESTER COUNTY, NEW YORK

Anne Curran, Town Clerk

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Supervisor William R. Weaver VOTING Aye
Councilman Rebecca A. Kittredge VOTING Aye
Councilman Michael J. Schiliro VOTING Aye
Councilman Diane Roth VOTING Aye
Councilman John J. Cronin VOTING Aye

The resolution was thereupon declared duly adopted.