

Town Board Minutes
Organizational Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 11, 2017

Supervisor Schiliro called the meeting to order at 5:10 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned to a Work Session. All Town Board members, the Town Attorney, Town Administrator and the Town Clerk were present for the Work Session. The Work Session adjourned to an Executive session at 6:25 p.m. The Executive Session closed at 7:35 p.m. The Town Clerk joined the Organizational Meeting which reconvened at 7:40 p.m. and the following persons were present:

Supervisor	Michael J. Schiliro
Councilmen	Stephen D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra
Town Clerk	Alison Simon
Town Counsel	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman Reiter moved, seconded by Councilman DiGiacinto, the following:

To authorize the continuation of all depositories and accounts of the Town as heretofore established in the prior fiscal year:

Designating Depositories for the Town of North Castle Funds are as follows:

- a. J.P. Morgan Chase Bank, White Plains, NY
- b. Wells Fargo, Armonk, NY
- c. Signature Bank, New Rochelle, NY

And further, 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.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, the following appointments:

Deputy Town Supervisor	Pleasure of the Supervisor
Stephen D'Angelo	
Records Management Officer	Pleasure of the Town Board
Town Clerk Alison Simon	
Records Access Officer	Pleasure of the Town Board
Town Clerk Alison Simon	
Registrar of Vital Statistics	Pleasure of the Town Board
Town Clerk Alison Simon	
Deputy Town Clerk and Deputy Registrar	Pleasure of the Town Clerk
Barbara Pesquera	
Sub-Registrar	Pleasure of the Town Clerk
Pending	
Sub-Registrar	Pleasure of the Town Clerk
Rita Ross	
Liaison to the Board of Elections	Pleasure of the Town Board
Town Clerk Alison Simon	
Town Comptroller	Pleasure of the Town Board
Pending	
Town Co-Historians	Pleasure of the Town Board
Sharon Tomback & North Castle Historical Society	
Secretary to Zoning Board of Appeals	Pleasure of the Town Board
Lori Zawacki	

Town Board Minutes

January 11, 2017

Secretary to Planning Board

Valerie Desimone

Pleasure of the Town Board

Secretary to Architectural Review Board

Lori Zawacki

Pleasure of the Town Board

Fire Prevention Inspector

William Richardson

Pleasure of the Town Board

Engineering Consultants

Kellard Sessions Consulting, P.C.

Contract with Town Board

Town Counsel

Stephens Baroni Reilly & Lewis

Contract with Town Board

Deputy Tax Receiver

Patricia Romero

Pleasure of the Tax Receiver

Confidential Secretary to the Supervisor

Mindy Berard

Pleasure of the Supervisor

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the following appointments of Liaisons to Departments, Boards and Committees by Supervisor Schiliro:

Police Department

Councilman D'Angelo & Councilman Reiter

Highway Department

Councilman Reiter

Building Department

Councilman DiGiacinto

Fire Departments:

1. Armonk

Councilman Reiter

2. Banksville

Councilman Berra

3. North White Plains

Councilman DiGiacinto

Library Board Liaison

Councilman DiGiacinto

Personnel

Councilman D'Angelo & Administrator Goldberg

Planning Board

Councilman DiGiacinto

Recreation & Parks Department

Councilman D'Angelo

Water & Sewer Department

Councilman D'Angelo

Intergovernmental Affairs

Supervisor Schiliro

School Board Liaisons

Supervisor Schiliro & Councilman Reiter

Architectural Review Board

Councilman DiGiacinto

Beautification Committee

Councilman DiGiacinto

Board of Ethics

Councilman D'Angelo

Budget & Finance Advisory Committee

Councilman D'Angelo

Chamber of Commerce

Councilman D'Angelo

Conservation Board

Councilman Berra

Communications Committee

Councilman Reiter

Housing Board

Councilman DiGiacinto

Landmarks Preservation Committee

Councilman Berra

NC4 Liaison

Councilman Reiter

Open Space Committee

Councilman Berra

Real Estate Committee

Councilman Reiter

Recycling Committee

Councilman Berra

Safety/Risk Committee

Councilman Reiter

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo:

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

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.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto:

Town Board Minutes

January 11, 2017

To authorize the policy of paying 53.5 cents per mile, as set by the Internal Revenue Service, for the 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 February 13, 2013.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto:

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

To authorize the continuation of the Town's Investment Policy as reviewed by the Town Board.

To authorize the Town's Master Fee Schedule for 2017.

To ratify the 2017 Waste and Recycling Schedule

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter:

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.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra:

To authorize the Town Comptroller, and in the absence of the Town Comptroller, authorize the Town Administrator, 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 Highway Department, Police Department, Recreation & Parks Department, Water & Sewer Department and Town Clerk to call for and receive bids for certain materials, supplies, equipment and services 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.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto:

To authorize the Supervisor to pay 2017 salaries in installments on the following dates: January 6 and 20, February 3 and 17, March 3, 17 and 31, April 14 and 28, May 12 and 26, June 9 and 23, July 7 and 21, August 4 and 18, September 1, 15 and 29, October 13 and 27, November 10 and 24, December 8 and 22.

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

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to use a Town issued charge card for payment of Town-related expenses.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo:

To authorize the Supervisor to sign the agreement between the Town of North Castle and Stephens, Baroni, Reilly & Lewis, LLP for legal services in 2017.

Town Board Minutes
January 11, 2017

To authorize the Supervisor to sign the agreement between the Town of North Castle and Patrick Bliss, Esquire, for legal services with regard to the Justice Court in 2017.

To authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Engineering & Consulting P.C., for engineering services in 2017.

To authorize the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions & Consulting P.C., for wetlands consultation services in 2017.

To authorize the Supervisor to sign the agreement between the Town of North Castle and Keane & Beane, P.C., for legal consulting services with regard to labor matters in 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter:

To authorize the Supervisor to sign the agreement between Ambulance District No. 1 in the Town of North Castle and Valhalla Ambulance Corps for ambulance service in North White Plains for 2017.

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, Inc. for fire protection to Fire Protection District No. 3 for 2017.

To authorize the Supervisor to sign the agreement between the Town of North Castle, on behalf of Banksville Fire Protection District No. 3, and Fire District No. 2 for emergency medical services to persons within the boundaries of Fire Protection District No. 3 for 2017.

To authorize the Supervisor to confirm the Hydrant Use Agreement for 2017 between Water District No. 1 of the Town of North Castle and North Castle South Fire District No. 1 for the term of January 1, 2015 – December 31, 2017.

To authorize the Supervisor to sign the Hydrant Use Agreements between 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 for 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the agreement between the Town of North Castle and Eleven Virginia Road Realty Corp. to lease commuter parking spaces at Eleven Virginia Road for the period January 1, 2017 through December 31, 2018, for \$1,180 per year.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, authorization for the Supervisor to sign an agreement with Board of Fire Commissioners, Armonk Fire District No. 2, in which the Town advances Fire District taxes to the District in the amount of \$500,000 at an interest rate of 1%, for 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, authorization for the Supervisor to sign Inter-Municipal Agreement with the Town of Bedford to transfer tax assessment review cases when personal conflict is involved.

Vote: Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the organizational meeting at 7:55 p.m.

Alison Simon, Town Clerk

Dated: January 23, 2017

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 11, 2017

Supervisor Schiliro announced the continuation of the regular meeting agenda at 7:56 p.m. and the following persons were present:

Supervisor:	Michael J. Schiliro
Councilmen:	Stephen D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra

Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of the minutes from the November 30, 2016 meeting and December 14, 2016 meeting.

Vote: Unanimous

Supervisor Schiliro provided an update on the Hotel Occupancy Tax Law which will allow North Castle to impose an Occupancy Tax on all hotels located within the municipality. The Supervisor stated that Governor Cuomo signed this bill into law on December 31, 2016 and added that State Senator George Latimer and State Assemblyman David Buchwald were instrumental in getting this bill passed. The Supervisor indicated that the Town Board has adopted a Resolution authorizing the submission of a NYS Home Rule request to establish a Hotel Occupancy Tax for the past 5 or 6 years. He said that a County Hotel Occupancy Tax exists, but State law requires that each municipality must apply for this law individually. The Supervisor added that Town Attorney and Town Assessor will work with the Town Board to implement this law.

The Supervisor projected that this tax will result in additional revenue in the amount of \$80,000 to \$120,000 per year to be paid exclusively by hotel guests, and not Town residents. The Resolution earmarked these funds for capital improvements and the Supervisor would like it to be assigned specifically to road improvement. There is currently one hotel in North Castle and additional hotels would provide an opportunity to increase revenue.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of correspondence regarding *The Vue*, 1700 Old Orchard Street:

1. Letters from NYS Department of Transportation dated 7/22/16 and 11/23/16
2. Letters from Westchester County Planning Board dated 7/26/16 and 12/27/16
3. Letter from NYS Department of Environmental Conservation dated 8/16/16
4. Letter from NYS Department of Environmental Protection dated 8/11/16

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of correspondence regarding notification from Paradigm Treatment Centers, LLC:

1. Letter from Nixon Peabody dated 12/20/16
2. Letter from Cuddy & Feder dated 1/6/17
3. Letter to Town Attorney, Roland Baroni, from Nixon Peabody dated 1/6/17

Vote: Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a Consent, Order and Judgment for 200 Business Park Drive LLC, 200 Business Park Drive, Tax Map #108.03-1-53, for tax years 2015-2016, Councilman Reiter moved, seconded by Councilman DiGiacinto, approval to issue a refund of \$1,743.91.

Vote: Unanimous

Town Board Minutes

January 11, 2017

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Town's Attorneys to execute a Consent Judgment in the Tax Certiorari matter of Armonk Storage, Inc. vs. Town of North Castle - Index Nos. 26485/10 et al.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, the award of bid for cleaning services of Town buildings and the pool facility to the low bidder, Corona Cleaning Services, in the annual amount of \$42,000, and further authorized the Supervisor to sign the agreement effective February 1, 2017 through December 31, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of request from Veneziano & Associates on behalf of Deer Ridge Associates for naming of a future Town road in the Deer Ridge Subdivision and referral to the Road Naming Committee with advice that it would prefer a recommendation dissimilar from other existing road names.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of Certificate of No Referendum regarding the conveyance of property known as Section 122.16, Block 1, Lot 13.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of Certificate of No Referendum regarding the conveyance of property known as Section 101.03, Block 3, Lot 76.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, approval of the Town's 2017 membership in the Association of Towns of the State of New York (AOTSNY), and the designation of Councilman Barbara DiGiacinto as the Town's voting delegate at the Association of Towns of the State of New York annual business meeting in February, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of revised letter from the law offices of Timothy McEnaney dated 11/30/16, and Subpoena dated 12/5/16 regarding Perez vs. Tedesco, et al., Index No. 063193/2013. Town Attorney Baroni stated that the Town is not a party to this action.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, approval of request from Director of Sewer and Water, Sal Misiti, to reject the sole bid for Water District No. 4 well drilling project and allow for a rebid immediately.

Vote: Unanimous

Pursuant to a letter from Superintendent of Recreation and Parks, Matt Trainor, Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request to modify camp fees for the 2017 summer season as approved by the Parks and Recreation Advisory Board.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of payment requisition to Douglas Marshall Cooper Associates, LLC in the amount of \$50,000 regarding construction of the exterior deck at the North White Plains Community Center & Library, Clove Road, for work completed through January 6, 2017.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman Reiter, authorization for the Supervisor to sign the agreement with Empire Consulting for 2017 drug and alcohol testing of Highway Department personnel for an enrollment fee of \$250, plus fees for specific tests, as outlined in the agreement.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, the appointment of Brent Daniels as Maintenance Mechanic, Highway Department, effective January 23, 2017.

Vote: Unanimous

Town Board Minutes

January 11, 2017

Councilman Reiter moved, seconded by Councilman D'Angelo, the removal of Timothy See from the position of Probationary Lieutenant, Police Department, and return to the position of Police Sergeant, effective January 1, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of terminal leave pay for George Zastenchik.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request for Sergeant Brant Sammann to attend Evidence/Property Room Management Course at Warren County Sheriff's Department on January 25-27, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the reappointment of Dan Zenkel to the Parks and Recreation Advisory Board for a three year term to expire December 31, 2019.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, the reappointment of Charlene Decker to the Parks and Recreation Advisory Board for a three year term to expire December 31, 2019.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, Reiter, Berra, Supervisor Schiliro

Noes: None

Abstain: Councilman DiGiacinto recused herself

Councilman D'Angelo moved, seconded by Councilman Reiter, approval for Susan Lichten to remain on the Parks and Recreation Advisory Board, and to serve as Chairman at the Pleasure of the Town Board.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, the reappointment of Virginia Magrone to the Housing Board for a five year term to expire December 31, 2021.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman Reiter, the reappointment of Chris Carthy to the Planning Board for a five year term to expire December 31, 2021.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the reappointment of John Stipo to the Zoning Board of Appeals for a five year term to expire December 31, 2021.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, the reappointment of Jeanne Lapsker to the Library Board for a five year term to expire December 31, 2021.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of a letter of resignation dated December 16, 2016 from Lewis Henkind as a member of the Assessment Review Board.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the appointment of Kelly Skaggs to the Assessment Review Board to fill the unexpired term to expire September 30, 2019.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, the appointment of Cynthia Abbott Kauffman to the Road Naming Committee to serve at the Pleasure of the Town Board.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, the appointment of Cynthia Abbott Kauffman to the Miller House Committee to serve at the Pleasure of the Town Board.

Vote: Unanimous

Town Board Minutes
January 11, 2017

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of the disciplinary charges and specifications preferred by the Chief of Police against Employee No. 3244, dated December 12, 2016, without making any findings.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of the disciplinary charges and specifications preferred by the Chief of Police against Employee No. 2884, dated December 12, 2016, without making any findings.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of the disciplinary charges and specifications preferred by the Chief of Police against Employee No. 3347, dated December 12, 2016, without making any findings.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, adoption of the disciplinary charges and specifications preferred by the Chief of Police against Employee No. 1880, dated January 5, 2017, without making any findings.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of the disciplinary charges and specifications preferred by the Chief of Police against Employee No. 2448, dated December 21, 2016, without making any findings, and the suspension of Employee No. 2448, without pay, effective January 11, 2017, pursuant to Chapter 104 of the laws of 1936 (the “Westchester County Police Act”) and New York Town Law Section 155.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the Stipulation of Settlement between the Town of North Castle and Employee No. 2230.

Vote: Unanimous

Councilman D’Angelo moved, seconded by Councilman Berra, receipt of letter of resignation from Betty Sanchirico, Senior Office Assistant - Automated Systems, Town Clerk’s Office, effective January 20, 2017.

Vote: Unanimous

Councilman D’Angelo moved, seconded by Councilman DiGiacinto, the consensus agenda as follows:

- Approval of the request from General Foreman Norris for release of the following highway bonds:
 - o Con Edison – Permits 1024, 1065, 1066, 1104, 1120, 1127, 1143, 1149, 1163, 1165, 1176, 1179, 1186, 1195, 1196, 1197, 1207, 1235, 1239, 1254, 1280, 1285 and 1287 for street openings at various locations in the amount of \$25,112.50.
 - o Savyon Development – Permit 0875 for curb cut at 41 Byram Ridge Road in the amount of \$750
- Receipt of Town Clerk’s report – December 2016

Vote: Unanimous

The Town Board audited and approved payments of:

\$758,721.92 (for year 2016) as indicated on Warrant #22A dated December 29, 2016.

\$1,394,031.10 as indicated on Warrant #1 dated January 11, 2017 as follows:

\$1,170,751.52 (for year 2016)

\$ 223,279.58 (for year 2017)

After all persons were heard who desired to be heard, the Supervisor adjourned the meeting at 9:17 p.m. in memory of residents Catherine (Kay) Dubiell, member of the Green Acres Garden Club and Armonk Seniors; Frank F. Wymbs, Jr.; Eva Vorosmarty, member of the Armonk Seniors and mother-in-law of William Potvin, Assessment Review Board member; Jean Misiti, mother of Sal Misiti, Director of Water and Sewer Department; and Dr. David Hamerman. The Board reconvened to Executive Session. The Executive Session closed at 10:00 p.m.

Alison Simon, Town Clerk

Dated: January 23, 2017