

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
August 9, 2017

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney and Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:30 p.m. The regular meeting reconvened at 7:43 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

North Castle Historical Society Co-Town Historian Sharon Tomback gave a presentation on historical court records shared by the Town Justice Court.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the Town Board minutes of the July 26, 2017 meeting.

Vote: Unanimous

Regarding Hergenhan Recreation Center Parking Lot Improvements, Councilman D'Angelo moved, seconded by Councilman Berra, receipt of the Grant Disbursement Agreement from the Dormitory Authority State of New York, State and Municipal Facilities Program (SAM) for a \$250,000 grant award, and further moved authorization to bid for the project.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, the scheduling of a Public Hearing on September 27, 2017 regarding a proposed local law to amend Section 355-22 of Town Code to eliminate multifamily dwellings located on the first floor within CB-A Zoning District and to prohibit residential units in CB-B Zoning District on the first floor.

Vote: Unanimous

Regarding the Appeal and Amended Appeal of Edward Lobermann of the Town Clerk's denial of his June 22, 2017 Freedom of Information Law (FOIL) request, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, to affirm the determination of the Town Clerk, as Records Access Officer, regarding her denial of the FOIL Request.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of the extension of a construction Performance Bond of Mamaroneck Ices Inc. d/b/a Ralph's Italian Ices, 850 North Broadway, North White Plains to October 9, 2017, with the conditions that prior to the extension that the Applicant: 1) provide proof of NYSDOT submission for all required work within the NYSDOT right of way to the satisfaction of the Town Engineer, 2) that all temporary barriers are in place to the satisfaction of the Town Engineer, and 3) proof, to the satisfaction of the Chief of Police, that the applicant is providing adequate parking attendants.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, award of bid for Sidewalk, Curbing and Drainage Improvements Washington Place East and Denim Place, North White

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Plains to the low bidder, Tony Casale, Inc. at a cost of \$327,925; and authorization for the Supervisor to sign contract.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, award of bid for traffic signal improvements Maple Avenue and Bedford Road, Armonk to the sole bidder, Verde Electric Maintenance Corp. at a cost of \$48,970; and authorization for the Supervisor to sign contract.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization to bid for sale of a parcel of land located at 533-535 Main Street (Route 128), Armonk.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of a memo from Town Clerk Alison Simon regarding a proposed revision to Town Code Chapter 233 - Peddling and Soliciting, § 233-13 Restrictions and prohibited acts, to extend the hours wherein peddling, soliciting or canvassing is permitted from 7:30 p.m. to 8:00 p.m. and to eliminate the restriction that these activities must be concluded by sunset; and further moved the scheduling of a Public Hearing on September 13, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of a memo from Town Clerk Alison Simon regarding a proposed revision to Town Code Chapter 263 - Special Events to allow for a waiver or modification of requirements of the Chapter by the Town Board; and further moved the scheduling of a Public Hearing on September 13, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Order and Judgment in the following Tax Certiorari matter: Virginia Road Associates vs. Town of North Castle - Index Nos. 66350/12 et al.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of the request from Stayin' Alive organizers to schedule the 5th annual 5k Fun Run on Saturday, May 19, 2018 in the Windmill Community.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request from the Jewish Board of Family and Children Services for use of Town roads and parks for a cycling event on Sunday, September 17, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, adoption of the Resolution of Request to NYS Department of Transportation to Prohibit "No Right Turn" from Southbound NYS Route 22 onto Washington Place East, Weekdays from 7:00 a.m. – 9:00 a.m.

Vote: Unanimous

Note: Resolution was rescinded and an amended Resolution was adopted by the Town Board at the September 13, 2107 meeting.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign agreement with ESI Group regarding the Employee Assistance Program.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, authorization for the Supervisor to sign a Service Fee Agreement with Glatfelter Brokerage Services for Insurance Broker Services regarding Workers Compensation coverage for the period of July 1, 2017 to June 30, 2018 for a service fee of \$45,000. This agreement will renew annually unless written notice is given by either party.

Vote: Unanimous

Note: The \$45,000 service fee to Glatfelter Brokerage Services is included in the State Insurance Fund proposal for Workers Compensation Insurance Coverage for the period of July

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1, 2017 through June 30, 2018 which was accepted by the Town Board at the June 28, 2017 meeting, for a total cost of \$762,075.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the following proposals in regard to Town Hall Legion Field (ball field behind Town Hall):

- Underground utility detection services and base survey from TC Merritts Land Surveyors for a fee of \$2,800.
- Collection and depiction of subsurface data from Enviroprobe Services, Inc. for a fee of \$1,550.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign a Service Agreement with Lightpath for phone and internet services for three years for a fee of \$1,125 per month.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign a proposal from Woodard & Curran, to include a radio path study, design of the system, and bidding phase services, regarding a Supervisory Control and Data Acquisition (SCADA) System for the Town's Water and Sewer Operations, for a lump sum fee of \$120,000.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign a License Agreement with Koutros Property, LLC in connection with the Townhouse Diner, 720 North Broadway, North White Plains.

The roll call vote was as follows:

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

Noes: None

Abstained: Councilmen Berra

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign proposal from TC Merritts Land Surveyors for Leatherman Court drainage repair for a fee of \$1,050.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of a proposal from Leggette, Brashears & Graham for professional services associated with the exploration for a water source on IBM property for an estimated total fee of \$31,400 - \$33,900, contingent upon written permission from IBM.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of extension of unpaid medical leave for Employee 2791 to September 18, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, demotion of Employee 1880, effective August 1, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval for Personnel Manager Tanya Orr to attend Women's Conference training seminar on August 24, 2017 in Hartford, CT; and permission to use a Town vehicle.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval for Police Officer Anthony Sabatella to attend Basic School Resource Officer Training from August 28 to September 1, 2017 in Geneva, NY.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the consensus agenda as follows:

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- Receipt of Town Clerk's monthly report, July 2017.
- Approval of the request from General Foreman Norris for release of the following highway bonds:
 - o Matthew Shulman – Permit 0946 for driveway alteration at 40 Chestnut Ridge Road in the amount of \$500.
 - o Cross County Asphalt – Permit 0948 for driveway resurfacing at 15 Thornwood Road in the amount of \$500.
 - o David Mann – Permit 0846 for curb cut at 3 Gifford Lakes Drive in the amount of \$750.00.
 - o BTDT Properties – Permit 0945 for driveway resurfacing at 18 Carolyn Place in the amount of \$500.
- Receipt of Article 78 Proceeding: In the Matter of Airport Parking Associates, LLC vs. The Town of North Castle, NY, The Town of North Castle, NY Planning Board, The Town of North Castle, NY Town Board, 11 New King Street, LLC and JAM Airport LLC.; and referral to the Town Attorney.
- Receipt of Article 78 Proceeding: In the Matter of The Sierra Club vs. The Town of North Castle, NY, The Town of North Castle, NY Planning Board, The Town of North Castle, NY Town Board, 11 New King Street, LLC and JAM Airport LLC.; and referral to the Town Attorney.

Vote: Unanimous

The Town Board audited and approved payments of \$314,386.43 as indicated on Warrant #15 dated 8/9/17.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 10:07 p.m. in memory of resident Janet Potter D'Amato.

Alison Simon, Town Clerk

Dated: September 11, 2017