

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 13, 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. Councilmen D'Angelo, DiGiacinto, and Berra, Supervisor Schiliro, 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 7:40 p.m. and the following persons were present:

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

Councilman Barry S. Reiter was absent from the meeting.

The minutes of the Public Hearings that commenced at 8:07 p.m. follow at the end of these minutes.

With regard to the Town Board minutes of the August 9, 2017 meeting, Councilman D'Angelo moved, seconded by Councilman Berra, to rescind the following Resolution which was adopted at the August 9, 2017 meeting:

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

Councilman D'Angelo moved, seconded by Councilman Berra, to adopt the following Resolution:

Adoption of the Resolution of Request to NYS Department of Transportation to Provide for "No Right Turn" from Southbound NYS Route 22 onto Washington Place East, Weekdays from 7:00 a.m. – 9:00 a.m. The Resolution follows.
Vote: Unanimous

Action: Request to Provide for "No Right Turn" from Southbound NYS Route 22 onto Washington Place East Weekdays from 7:00 AM – 9:00 AM

Date of Approval: September 13, 2017

WHEREAS, the Town of North Castle has received multiple complaints from residents that non-local vehicles are utilizing Washington Place East and other local roads as a bypass for southbound NYS Route 22 during the AM commute; and

WHEREAS, the Town Board of the Town of North Castle believes that commuting traffic is more appropriately managed on the State roadway network; and

WHEREAS, the Town of North Castle believes that providing for "No Right Turn" from Southbound NYS Route 22 onto Washington Place East Weekdays from 7:00 AM – 9:00 AM would be in the best interests of the residents of the Town of North Castle and the commuting public;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby fully supports, and agrees to all of the statements contained above; and

BE IT FURTHER RESOLVED that the Town of North Castle requests NYSDOT to provide for “No Right Turn” from Southbound NYS Route 22 onto Washington Place East Weekdays from 7:00 AM – 9:00 AM.

Councilman D’Angelo moved, seconded by Council DiGiacinto, approval of the Town Board minutes of the August 9, 2017 meeting.

Vote: Unanimous

Councilman D’Angelo moved, seconded by Councilman DiGiacinto, adoption of a Negative Declaration regarding Improvements to Town Hall Legion Field (ball field behind Town Hall) by Armonk Baseball League (ABL).

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Supervisor Schiliro, adoption of a Resolution of approval for the Town Board to donate historical Town records of the North Castle Justice Court to The North Castle Historical Society with the consent of the Records Management Officer, Town Clerk Alison Simon.

The Resolution follows:

WHEREAS, the Town Board of the Town of North Castle desires to donate two volumes of historical Town records of the North Castle Justice Court, consisting of Justice of the Peace John van Tassel’s 1910-1913 records and Justice of the Peace Arthur Pietschker’s 1914 records, to the North Castle Historical Society to preserve the records and keep the history, contained therein, alive for current and future generations of the Town; and

WHEREAS, Town Clerk Alison Simon, designated by the Town Board as the Town’s Records Management Officer, has been advised that the retention period for the records is one year per #80360 of the NYS Unified Court System Records Retention and Disposition Schedule; and the Town Clerk is in support of the donation of the records to the Historical Society; and

WHEREAS, The North Castle Historical Society and Sharon Tomback, Co-Town Historians for the Town of North Castle, have confirmed the willingness and interest of the Historical Society to accept and preserve the records on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of North Castle hereby approves the donation of historical Town records of the North Castle Justice Court to the North Castle Historical Society; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to transfer the historical records to the Historical Society.

Vote: Unanimous

Supervisor Schiliro moved, seconded by Councilman DiGiacinto, receipt of donation from the Valhalla Junior Vikings Football Club to the Recreation and Parks Department.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Supervisor Schiliro, approval of Westchester Triathlon for use of Town roads on Sunday September 24, 2017.

Vote: Unanimous

Supervisor Schiliro moved, seconded by Councilman DiGiacinto, renewal of Special Use Permit to North White Plains Fire Co. No.1 to sell Christmas trees from Thanksgiving weekend through weekend before Christmas, and permission to install signs.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, approval of request for an Alcohol Permit from Hudson Stage Company for an opening night party at Whippoorwill Hall on October 14, 2017.

Vote: Unanimous

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Councilman Berra moved, seconded by Councilman DiGiacinto, approval of request for an Alcohol Permit from Atlantic Westchester, Inc. for company picnic at Lombardi Park Pavilion on October 1, 2017.

Vote: Unanimous

Pursuant to a letter of recommendation from Kellard Sessions Consulting and request from Highway General Foreman Jamie Norris, Supervisor Schiliro moved, seconded by Councilman DiGiacinto approval of Payment Application #1 to Peter J. Landi, Inc. in the amount of \$131,138.57 for work completed through the period ending August 17, 2017 regarding Old Route 22 Streetscape Improvements.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, approval of Construction Performance Bond regarding Pine Ridge Road Subdivision (aka: Gjonaj Subdivision), in the amount of \$468,500.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Supervisor Schiliro, receipt of a Petition to the Town Board regarding Term Limits for the Supervisor and Town Board Members in the Town of North Castle.

Vote: Unanimous

Supervisor Schiliro moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the following agreements regarding Madonna Senior Housing development located at 125 Old Mount Kisco Road, Armonk: Declaration of Covenants and Restrictions and Stormwater Control Facility Easement and Maintenance Agreement; and Access and Utility Easement Agreement.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign the NYSDEC "Permission to Inspect Property" consent form regarding wetland mitigation work to be performed by Fareri Companies for 470 Main Street, Armonk.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, award of bid for Hergenhan Parking Lot Improvements to low bidder Tony Casale, Inc. at a cost of \$563,753; and authorization for the Supervisor to sign contract.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of NYSDEC Letter and Notice regarding Reissuance of Permit for Hergenhan Recreation Center.

Vote: Unanimous

With regard to a written request from The Jantile Group, property owners of 100 Business Park Drive, Armonk, for a waiver of the Application Process Restrictions Law, Town Code Chapter 114, Councilman Berra moved, seconded by Supervisor Schiliro, receipt of written request, and approval of a waiver to allow the issuance of a Certificate of Occupancy to Edge of Dance, a tenant at 100 Business Park Drive; and a waiver to allow The Jantile Group to appear before the Planning Board to address the violation regarding outdoor storage.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign Amendment B to the Municipal Snow and Ice agreement with NYS DOT for 2016-2017. The Municipal Snow and Ice Agreement for 2016-2017 was \$94,088.95 and the index adjustment is \$46,762.21 resulting in the total reimbursement to the Town for the 2016-2017 season of \$140,851.16.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Supervisor Schiliro, authorization for the Supervisor to sign proposal from TC Merritts Land Surveyors to locate and map wetland flags at Westmoreland Sanctuary for a fee of \$1,440.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, promotion of Brant Sammann to the position of Detective Sergeant, effective July 1, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, reinstatement of Jennifer Giusti to Senior Recreation Leader, Recreation Department, effective September 18, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Resignation for purposes of Retirement from Police Officer Joseph Horesky, effective August 24, 2017.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman DiGiacinto, ratification of Library Board action to accept the Resignation of Megan Dean, Library, effective August 20, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval for Town Assessor Victoria Sirota to attend the 2017 Annual Meeting and Seminar on Assessment Administration from 10/1/17 to 10/4/17 in Lake Placid, NY; and permission to use a Town vehicle.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, approval for Town Assessor Victoria Sirota to attend the IAAO Legal Conference from 12/7/17 to 12/8/17 in Seattle, WA.

Vote: Unanimous

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

- Receipt of Town Clerk's monthly report, August 2017.
- Receipt of Franchise fee payments for 2nd Quarter, 2017:
 - o Verizon FIOS - \$39,761.72
 - o Altice Cablevision Systems - \$30,681 and Southern Westchester - \$9,077
- Approval of the request from Highway General Foreman Norris for release of the following highway bonds:
 - o Paval Corp. – Permit 0940 for driveway alteration at 121 Whippoorwill Road in the amount of \$500.
 - o Westchester Masonry – Permit 0938 for driveway alteration at 26 Chestnut Ridge Road in the amount of \$500.
 - o Susan Reda – Permit 0951 for driveway alteration at 30 Green Valley Road in the amount of \$500.
 - o James Goldsmith – Permit 0941 for driveway alteration at 25 Windmill Road in the amount of \$500.
 - o Paval Corp. #1 – Permit 0954 for driveway alteration at 301 Whippoorwill Road in the amount of \$525. Property is not located in the Town of North Castle, therefore the bond and application fee are being returned.
- Receipt of Notice of Claim in the matter of Lee Ann Gizzi-Davis, individually, and on behalf of the Estate of Richard Gizzi and her Minor Children vs. Town of North Castle and John Doe No. 1 through 10 (John Doe No. 1 through 10 being those agents of the Defendant who conspired in this matter but whose identities are presently unknown); and referral to the Town Attorney.
- Receipt of Notice of Claim in the matter of Jerome Felsenstein vs. Town of North Castle.
- Receipt of Decision & Order Re Article 78 Proceeding: In the Matter of the Application of Michael Fareri and 154 Bedford Road LLC Petitioners against Town of North Castle, NY and Town of North Castle Town Board.

Vote: Unanimous

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The Town Board audited and approved payments of \$433,761.02 as indicated on Warrant # 15A dated 8/25/17 and \$786,260.74 as indicated on Warrant # 16 dated 9/13/17.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 10:44 p.m. in memory of Evelyn Chowanec and Marian Henry.

Alison Simon, Town Clerk

Dated: September 25, 2017