

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 9, 2018

The Town Board meeting was called to order at 6:45 p.m. at Town Hall and immediately adjourned to an Executive Session. All Town Board members, the Town Attorney, and the Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:30 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:34 p.m. and the following persons were present:

Present: Councilman: Stephen D'Angelo
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Town Administrator: Joan Goldberg

Absent: Supervisor: Michael Schiliro

Malorie Lipstein, Town Wide Clean Up Day student Coordinator, gave a presentation on the results of 2018 Town Wide Clean Up Day.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of Town Board Minutes: April 25, 2018.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, authorization of payment application No. 6 to Wernert Construction, in the amount of \$82,071.53 for the Windmill rehabilitation project.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of request from Director of Water and Sewer Sal Misiti to purchase replacement pickup truck from County bid, at a cost of \$30,630.85, less than the amount budgeted.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval and authorization for the Supervisor to sign the Proposal from Grossfield Macri Consulting Engineers, PC. regarding Water and Sewer Districts No. 1: Rehabilitation of Lafayette Avenue Garage and Pump House Roof, conditioned upon review of the Proposal by Town Attorney Baroni. The fee for Basic Services is \$20,600 with additional costs for Special Services as outlined in the Proposal.
Vote- Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Order and Judgment for 428-436 Main Street, LLC, Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval to issue a refund in the amount of \$ 6,196.64.
Vote- Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a Small Claims Assessment Review Settlement for Joseph and Jenny Labarbera, 37 Smith Farm Road, Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval to issue a refund in the amount of \$892.99.
Vote- Unanimous

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Pursuant to a letter from Tax Receiver Colombo regarding a Small Claims Assessment Review Settlement for Steven Brisman, 8 Smith Farm Road, Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval to issue a refund in the amount of \$1,956.97.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Annual and Interim MS4 Reports from Kellard Sessions and authorization for the Supervisor to sign the reports.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barry Reiter, receipt of request from Richard Panetta for release of deed restriction from 7 McDougal Drive, North White Plains and referral to Town Planning Board to research and provide information to the Town Board.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval for Armonk Lions Club for use of Wampus Brook Park for annual Fol-de-Rol, June 7-10, 2018, with set up as of May 31, 2018; and permission to erect street signs.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of request from CM Almy Group for alcohol permit at Community Park for company picnic on June 29, 2018.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barry Reiter, receipt of letter of resignation for purposes of retirement from John Kernan III, Water and Sewer Maintenance Worker, effective May 30, 2018.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, authorization of Termination of employee number 2791, effective May 10, 2018. The Resolution follows.

Vote- Unanimous

WHEREAS, employee (known as employee number 2791) has been continuously absent from and unable to perform the duties of his position for more than one (1) year by reason of a disability, other than a disability resulting from occupational injury as defined in the workers' compensation law while working for the Town of North Castle; and

WHEREAS, employee number 2791 has been provided pre-termination opportunities to be heard on January 31, 2018 and May 2, 2018; and

WHEREAS, employee number 2791, along with his chosen union representative, attended the meetings scheduled for him to provide information as allowed for under the Civil Service Law and provided information, a record of which was provided to the Town Board, along with the report of Joan Goldberg, Town Administrator; and

WHEREAS, the Town Board of the Town of North Castle has reviewed the report provided by Joan Goldberg, Town Administrator, and the information provided by employee number 2791;

NOW, THEREFORE, be it resolved that employee number 2791's employment as a Maintenance Equipment Operator for the Town of North Castle is hereby terminated pursuant to §73 of the Civil Service Law, subject to the reinstatement rights provided for therein, effective May 10, 2018.

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, approval for Police Officer Anthony Sabatella to attend NYSP Crimes Against Children Seminar from May 21, 2018 to May 25, 2018 in Albany, NY.

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval for the Consensus Agenda as follows:

- Receipt of Notice of Claim: Adams vs. Town of North Castle and referral to Town Attorneys.
- Release of Highway Bonds:
 - Nikolaus Perakis – Permit 0980 for driveway resurfacing at 111 Cedar Hill Road in the amount of \$1,000
- Receipt of Town Clerk's Report, April 2018.

Vote- Unanimous

Regarding Settlement Agreements in the matters of William R. Weaver vs. Town of North Castle and Gerald K. Geist vs. Town of North Castle, Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of Settlement Agreements, adoption of Resolution, and authorization for the Supervisor to sign Agreements. The Resolution follows.

Vote- Unanimous

WHEREAS, William R. Weaver ("Mr. Weaver") and Gerald K. Geist ("Mr. Geist"), along with other plaintiffs, instituted an action against the Town of North Castle and the Town Board of the Town of North Castle in the Supreme Court, Westchester County, Index No. 4757/2012 on October 24, 2012 (the "Action"); and

WHEREAS, based upon a Decision and Order issued by the Appellate Division, Second Department, Index No. 4173/2015, Mr. Weaver and Mr. Geist are the only remaining plaintiffs in the Action; and

WHEREAS, the Town Board has consulted with its counsel and has determined that settlement of the Action with Mr. Weaver and Mr. Geist shall be in the interest of the Town of North Castle rather than to incur the cost and expense of litigation.

BE IT RESOLVED, that the Town Board of the Town of North Castle authorizes and approves the settlement of the Action as it concerns Mr. Weaver upon the terms recommended by its counsel and the Town Supervisor is authorized and empowered to sign all documents and to take all actions necessary to finalize the settlement and effectuate the terms of the settlement and this Resolution.

BE IT FURTHER RESOLVED, that the Town Board of the Town of North Castle authorizes and approves the settlement of the Action as it concerns Mr. Geist upon the terms recommended by its counsel and the Town Supervisor is authorized and empowered to sign all documents and to take all actions necessary to finalize the settlement and effectuate the terms of the settlement and this Resolution.

The Town Board audited and approved payments of \$900,219.23 as indicated on Warrant # 9 dated May 9, 2018.

After all persons were heard who desired to be heard, Deputy Supervisor Stephen D'Angelo closed the regular meeting at 8:01 p.m. in memory of residents Roger Greaves, Patricia Debany, and Clotilde Mickenberg.

Alison Simon, Town Clerk

Dated: May 25, 2018