

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
November 28, 2018

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 the Interim Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:42 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:44 p.m. and the following persons were present:

Present: Supervisor: Michael Schiliro
Councilman: Stephen D'Angelo
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Interim Town Administrator: Patti Dwyer

A Public Hearing was held to consider the 2019 Town and Special Districts Preliminary Budgets.

The Minutes of the Public Hearing which began at 8:10 p.m. follow at the end of these minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Town Board Minutes: November 14, 2018.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Draft Cable Franchise Agreement from Verizon New York Inc. and scheduling of a Public Hearing on December 12, 2018 regarding renewal of Franchise Agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Draft Cable Franchise Agreements from Altice USA, Inc. and scheduling of Public Hearings on December 12, 2018 regarding renewal of the following Franchise Agreements:

1. Cablevision Systems Westchester Corporation
2. Cablevision of Southern Westchester, Inc.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval for Director of Water & Sewer Operations Sal Misiti to seek bids for 2019 Sewer District No. 2 Methanol Supply.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: Sir John's Plaza, Inc. vs Town of North Castle – Index Nos. 66921/14 et al.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of Petition of Assessor Victoria Sirota regarding apportionment and corrections to the 2019 Assessment and 2020 Tax Rolls as it relates to 4, 5 and 8 Hunter Drive, Armonk.

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Town to seek \$562,500 for the replacement of the School Street Culvert and adoption of a Resolution endorsing the application for a grant from the Pre Disaster Mitigation or the Flood Mitigation Assistance programs and a contribution of 25% or \$187,500 toward the project from the Town's Capital Fund. The Resolution follows.

Vote- Unanimous

WHEREAS, the Town of North Castle is proposing the replacement of the School Street Culvert located on School Street near the intersection of NYS Route 128 in the Armonk Hamlet within the Town of North Castle; and

WHEREAS, the North Castle Town Board authorizes a 25% local match to any grant award; and

WHEREAS, the Town has anticipated that the project cost is \$750,000; and

WHEREAS, the Town is seeking a \$562,500 award from the DHS-18-MT-047-000-99 FY 2018 Pre-Disaster Mitigation or the DHS-18-MT-029-000-99 FY 2018 Flood Mitigation Assistance programs; and

WHEREAS, the Town shall contribute 25% or \$187,500 toward the project from the Town's Capital Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Town of North Castle hereby commits that \$187,500 will be available to construct the subject project; and

BE IT FURTHER RESOLVED, that the North Castle Town Board authorizes the submission of a grant application for the DHS-18-MT-047-000-99 FY 2018 Pre-Disaster Mitigation and/or the DHS-18-MT-029-000-99 FY 2018 Flood Mitigation Assistance programs;

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of memos from Conservation Board and Kellard Sessions regarding Epstein's Pond and North Lake storm water mitigation and refer back to Kellard Sessions for a report and recommendation regarding Eptstein's Pond.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, approval of alcohol permit for the North Castle Public Library Paint & Sip event at the Library, December 17, 2018, and waiver of permit fee.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval for Chabad of Armonk to display a Menorah in North White Plains across from Sir John's Plaza from November 25, 2018 to December 10, 2018.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval for alcohol permit for Friends of North Castle Library event at the Library, December 12, 2008, and waiver of permit fee.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign engagement agreements with Bonadio & Co. regarding 2018 financial audits for a gross fee not to exceed \$42,500.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign agreement with Springbrook Holding Co. regarding maintenance of KVS financial software for 2019 for a fee of \$11,629.86.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval for Director of Finance Abbas Sura to attend 2019 NYS GFOA Conference in Albany, March 2019.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Resolution adopting the disciplinary charges and specifications referred by the Town of North Castle General Foreman against Employee No. 3341 and further appointing a hearing officer with respect to such charges and specifications, pursuant to New York State Civil Service Law Section 75. The Resolution follows.
Vote- Unanimous

BE IT RESOLVED, that the Town Board of the Town of North Castle hereby adopts the charges and specifications against Employee No. 3341, dated October 25, 2018, as issued by the Town of North Castle General Foreman, without making any determination or findings, and further appoints Kenneth Bernstein of Hyde Park, New York, as a hearing officer pursuant to Section 75 of the New York State Civil Service Law with respect to such charges and specifications, and any amendments made thereto, and hereby directs said hearing officer to conduct a hearing, make findings of fact and issue a recommendation to the Town Board.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, adoption of Resolution to appoint Kenneth Bernstein as Hearing Officer and setting forth the terms of the appointed Hearing officer for employee No. 3341. The Resolution follows.
Vote- Unanimous

RESOLUTION

WHEREAS, the Town Board of the Town of North Castle has appointed Kenneth Bernstein as a Hearing Officer pursuant to Section 75 of the Civil Service Law to hold a hearing and make recommendations; and

WHEREAS, said Hearing Officer will be carrying out a function for the Town Board that is required by law;

NOW, THEREFORE, BE IT RESOLVED, that Kenneth Bernstein shall be compensated at a rate not to exceed \$185.00 per hour for services rendered; and

BE IT FURTHER RESOLVED that the Town Board of the Town of North Castle shall indemnify and hold Kenneth Bernstein harmless from any claims arising out of his appointment and service as Hearing Officer and shall provide Kenneth Bernstein legal representation and assume all costs with respect to any such claims provided that Kenneth Bernstein provides notice of any such claims in writing to the Town Clerk within ten (10) days of receipt of same and cooperates fully with the Town in the defense thereof.

Councilman: José Berra moved, seconded by Councilman: Stephen D'Angelo, receipt of letter of resignation for purposes of retirement from Patricia Colombo, Receiver of Taxes, effective January 1, 2019.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of appointment of Sarmad Khojasteh to the Assessment Board of Review to fill a vacated term that expires on September 30, 2020.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of appointment of Sarmad Khojasteh to the Housing Board for a five-year term to expire on November 20, 2023.
Vote- Unanimous

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

- Receipt of Adopted 2019 Budget: North Castle South Fire District No. 1.
- Receipt of Adopted 2019 Budget: North Castle Fire District No. 2.
- Release of Highway Bonds:
 - Aldio II LLC – Permit 0955 for curb cut at 5 Deer Ridge Lane in the amount of \$750.
 - MJS Contracting Corp. – Permit 1007 for driveway alteration at 15 Woodcrest Drive in the amount of \$500.
- Receipt of Franchise Fee Payments, 3rd Quarter 2018.
 - Verizon FIOS
 - Cablevision – No. and So. Agreements.
- Receipt of memo from Town Justices regarding 2017 Justice Court books and records.

Vote- Unanimous

The Town Board audited and approved payments of \$317,099.01 as indicated on Warrant # 21 dated November 28, 2018.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 9:09 p.m. in memory of Katherine Schuler MacNeal, mother of Mickey Schuler.

Alison Simon, Town Clerk

Dated: December 7, 2018