

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
March 26, 2014

The meeting was called to order at 5:00 p.m. on the duly adopted motion of Councilman D'Angelo for a work session, which then adjourned to executive session at 6:30 p.m. All Town Board members, the Town Attorney and the Town Administrator were present for the work session and the executive session which closed at 7:35 p.m. The Town Clerk joined the regular meeting which reconvened at 7:40 p.m.

Supervisor	Michael J. Schiliro
Councilmen:	Stephen D'Angelo
	Barbara DiGiacinto
	Barry Reiter
	José Berra
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Chief Geoffrey Harisch provided information about a new Tips Hotline system implemented by North Castle Police Department to enable citizens to anonymously report tips of potential crimes and suspicious activity via text message or a web-based tip form, as detailed on the Police Department's web page.

Supervisor Schiliro presented a Proclamation designating the Town as a Purple Heart Town to Eugene Lang, a member of The Military Order of the Purple Heart which is composed of military men and women who received the Purple Heart Medal for wounds suffered in combat. The organization supports all veterans and their families with various nationwide programs.

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the minutes of the March 12, 2014 meeting.

Vote Unanimous.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of the recommendation of the Road Naming Committee to name the private road, created within the Madonna Subdivision, 95-97 Cox Avenue, as *Knowlton Place*.

Vote Unanimous.

Councilman Reiter moved, seconded by Councilman Berra, the appointment of Sheila Drapeau as Chairperson of the Road Naming Committee, to serve at the pleasure of the Town Board.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, adoption of Parking District No. 1 Regulations (Armonk Square). The document of the rules and regulations follows at the end of these minutes.

Vote: Unanimous

Regarding Water District No. 2 Distribution System Replacement Project, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of memo from Director of Sewer and Water Operations Sal Misiti, approval of request that the Town Board declare its intent to act as Lead Agency for SEQR process, authorization of circulation of Short Environmental Assessment Form (EAF) to all involved agencies, and further moved approval to go out to bid, pending the Town Attorney's review of bid documents.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, approval of request from Matt Trainor, Acting Superintendent of Recreation and Parks, for award of bid for Playground Repairs to Pat Corsetti, Inc. and authorization of \$28,360 of funding from the General Fund.

Vote Unanimous.

Councilman D'Angelo moved, seconded by Councilman Berra, authorization for the Recreation and Parks Department to accept credit card payments for Recreation Program registration, and further moved authorization of the appropriate documents.

Vote Unanimous.

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Order and Judgment in the following matter: Konstantinos Koutros vs. Town of North Castle, Index No. 66151/2013.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval for the Town's Attorneys to execute a Consent Order and Judgment in the following matters:

1. Thomas H. Milhorat vs. Town of North Castle – Index No. 66953/13.
2. Herlew Realty Corp. vs. Town of North Castle – Index No. 15157/11 et al.

Vote Unanimous.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval for the Supervisor to make the budget transfers that follow at the end of these minutes, as requested by Town Administrator Goldberg.

Vote: Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a consent judgment for Banmonk Realty LLC, 23 Bedford Banksville Road, Bedford, NY, Parcel ID 102.04-1-9, Councilman D'Angelo moved, seconded by Councilman Berra, authorization to issue a refund in the amount of \$7,795.95.

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, authorization for the Supervisor to sign revised Amendment B to the Municipal Snow & Ice Agreement with NYS DOT for 2012-2013 season. The index adjustment is \$59,672.34 and the total reimbursement to the Town is \$149,136.12 for the 2012-2013 season.

Note: Amendment B to the Municipal Snow & Ice Agreement was on the June 26, 2013 Town Board agenda, but payment was not received at that time.

Vote Unanimous.

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of resignation from Marybeth Polony, Tax Receiver's Office, effective March 10, 2014.

Vote Unanimous.

Councilman Reiter moved, seconded by Councilman Berra, authorization for Police Officers Thomas Tallent and James Mazzucca to attend the Basic Life Support (BLS) Course on April 4 and April 11, 2014, in Sleepy Hollow.

Vote Unanimous.

Councilman Reiter moved, seconded by Councilman Berra, receipt of letter of retirement from Sergeant Robert Ferrara, effective February 28, 2014.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of letter of retirement from Lieutenant William Fisher, effective April 5, 2014.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of letter of retirement from Detective Sergeant, Mark Thomas, effective April 5, 2014.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of resignation from Mary Goveia, Road Naming Committee, effective March 10, 2014.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, the appointment of Charlene Decker to Parks and Recreation Advisory Board, for a term to expire on December 31, 2016.

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, the appointment of Frank Lattarulo to Parks and Recreation Advisory Board, for a term to expire December 31, 2015.

Vote: Unanimous

The Town Board audited and approved payments totaling \$1,422,634.23 as indicated on Warrant #6.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 8:58 p.m. in memory of residents James Henderson, Sr. and Doris M. Schupp, mother of retired Highway employee, Robert Schupp.

Anne Curran, Town Clerk

Dated: April 7, 2014

PARKING DISTRICT #1 REGULATIONS

WHEREAS, on March 28, 1985 the Town Board voted to establish Parking District #1 (“the District”);

WHEREAS, it is the Town Board’s intent that properties within the District (the “Properties”) will be responsible for the maintenance and operating costs associated with the District;

WHEREAS, the purpose of these regulations is to establish certain performance standards with regard to the maintenance of the District; and

WHEREAS, if the Properties fail to adhere to the performance standards, the Town shall have the right to perform the necessary work and charge the Properties for the cost of such work in the form of a district tax.

NOW THEREFORE, the Town Board establishes the following rules and regulations for Parking District #1:

I. Paving and Striping

- a. Paving and striping of the parking lot shall be done in accordance with § 196 of the North Castle Code.
- b. Paving repairs shall be completed within 30 days of notification of a problem (weather conditions permitting).

II. Snow Removal

- a. Snow removal will begin when two (2) inches of snow has accumulated.
- b. Parking areas shall be plowed throughout a snowstorm and at no time shall more than six (6) inches of snow accumulate.
- c. All parking areas to and including the curbs and storm drains shall be plowed no later than 2 hours after the storm has stopped.
- d. Sand/salt shall be applied no more than 2 hours after the storm.
- e. Sidewalks shall be shoveled throughout a snowstorm and at no time shall more than six (6) inches of snow accumulate.
- f. In the event of an ice storm or freezing rain, sand/salt shall be applied as necessary throughout the district for the duration of the storm event.
- g. A final application of sand/salt shall be applied to the roads when the storm is over.

III. Leaf Removal

- a. Leaves will be blown/raked, picked up, and removed from the property once a week.
- b. Leaf removal shall begin on October 1st and continue through December 1st.

IV. Plantings/Tree/Landscape Maintenance

- a. Plant Health care
 1. All planting areas and plant materials shall be regularly inspected for disease, weeds, insects, overall health and vitality to ensure optimum health of all plant material.
 2. Inspections shall take place bi-weekly from April to October and monthly from November to March and immediately following any significant storm event.
- b. Weeding
 1. Weeds shall be removed from within and adjacent to desirable vegetation in all planting areas, as well as parking/pavement and pedestrian areas, to help limit their unsightly appearance and to remove them before they can become established within an area.
 2. Weeds shall be removed before they are four (4) inches high.

3. In all instances, weed management shall be done by hand. Where hand weeding proves unsuccessful, herbicides may be used in accordance with NYS regulations and applied by a licensed applicator only.
- c. Mulching
1. Organic mulch derived from ground/shredded tree bark with no additives or any other treatment shall be applied to all planting areas to a thickness between two (2) and three (3) inches deep.
 2. Mulch shall be top-dressed on an annual basis to maintain specified depth.
 3. Under no circumstances shall mulch be added over plants and shrubs or applied to trees in direct contact with the stem or foliage of the plant, shrub or tree.
 4. Mulch displaced from containers or planting areas onto walkways shall be removed from walkways and replaced in planting areas.
- d. Control of insects, disease and fungus
1. All trees, shrubs, and other plants shall be maintained in a healthy, vigorous growing condition, free from disease and pests.
 2. In all instances, the use of alternative methods for the management of insect pests shall be required before pesticides are used.
 3. Alternative methods may include but shall not be limited to:
 - i. Sanitation and/or removal of infested and/or infected plant material
 - ii. Biological release or augmentation.
 - iii. Environmental modification such as improving soil drainage, air-flow or soil moisture management.
 - iv. Cultural practices that increase host resistance to pest attack
 - v. Replacement, if warranted, with resistant species.
 4. Where alternative methods prove unsuccessful, applications shall be limited to the use of pesticides registered approved with the NYS DEC, to be applied by a licensed applicator only.
 5. Where possible products used shall be labeled as “Reduced Risk Products” by the NYS Bureau of Pesticide Management. The use of other pyrethroid or neonicitinod class pesticides and “modern era” products is warranted only when Reduced Risk Products will not be effective.
 6. Under no circumstances shall organophosphate or carbamate type pesticides be used.
 7. The use of insecticidal soaps, pyrethrum or dormant oils shall be permitted.
 8. All applications of pesticides shall be by a contractor currently licensed with the state and applied in accordance with state regulations and manufacturers label directions including, but not limited to, State insurance requirements, contact and posting requirements.
- e. Fertilizing
1. The objective for fertility treatments shall be to maintain an acceptable rate of growth, health and color for each species while using the minimum amount of fertilizer necessary.
 2. All treatments for trees and shrubs shall be done in a liquid fertilizer form that is injected evenly into the soil. Treatment shall be performed early to mid Spring.
 3. Flower containers shall be fertilized with ½ strength liquid fertilizer on a bi-monthly basis between May 15th and September 1st.
 4. Fertilizer shall be organically derived, and contain ingredients of compost tea.
- f. Pruning
1. All understory plant material shall be selectively and neatly pruned and/or clipped to maintain their natural character, in a manner appropriate to the particular requirements of each plant species, and on an as needed basis.
 2. Understory plant material shall include, but are not limited to, shrubs, hedges, groundcovers, and perennials.

3. The purpose of pruning shall be to promote vigorous growth, removal of spent flowers or deadheading, the removal of deadwood or seasonal dieback and to retain the desired massing of plant materials with a natural appearance.
4. Shrubs are intended to fill in; shrubs on slopes are to be allowed to spread naturally.
5. Hedges are shrubs intently planted in linear patterns and uniformly spaced. Hedges shall be regularly and neatly pruned and clipped to maintain clean straight and curved lines, with foliage full to the ground in a manner appropriate to the plant species.
6. All trees shall be pruned in a manner appropriate to the requirements of the species.
7. Tree limbs shall be pruned to provide seven (7) to eight (8) feet of vertical clearance over pedestrian traveled walkways and twelve (12) to fifteen (15) feet of vertical clearance over vehicular travel ways.
8. All deadwood, suckers, broken or bruised branches, branches exhibiting poor branching patterns and branches that are either diseased or infested with pest insects shall be removed.
9. All tree pruning shall be performed by a certified arborist.
10. All debris generated by pruning shall be removed from the site

g. Replacement Planting

1. Plant materials which are determined to be dead, diseased, damaged, deformed or dying shall be promptly removed from the site and replaced with new material during the next available planting season.
2. Under no circumstances shall a tree species commonly known as a fall planting hazard be planted as a replacement during the fall.
3. All trees and shrubs planted as replacements shall be planted according to the drawings and specifications established for original installation. Replacement materials shall meet or exceed applicable American Association of Nurseryman standards. All materials shall be true to species and cultivar as originally specified. If the particular species fails to perform due to site specific conditions, a comparable or superior plant species shall be substituted.
4. Replacement planting shall take proper precautions not to disturb or damage sub-surface elements such as drainage and irrigation systems, or utility lines and conduits. Damaged sub-surface elements shall be repaired or replaced.
5. Spring planting season for trees, shrubs and groundcovers shall be between March 1st and May 31st. The spring planting season for perennials is between approximately April 15th (as soon as the ground is workable) to June 15th. The Fall planting season for Deciduous plant material is between October 15th and December 1st. For evergreen plant material, the fall planting season is between September 1st and October 15th. For perennials the fall planting season is between September 1st and November 15th.

h. Turf management

1. All turf lawns shall be kept in a healthy, vigorous condition, free from disease and pests.
2. Mow, edge and trim lawns as required maintaining an even, well-groomed appearance.
3. Weeds shall be controlled in accordance with the outlines listed above. Herbicides may be used in accordance with NYS regulations and NYSDEC approved, and applied by licensed applicators only.
4. Mowing shall be by Grasscycling methods with mulch mowers as long as not more than one-third (1/3) of the grass blade is removed. Grasscycling shall not be used when the turf is wet or after mowing delays.
5. Frequency of mowing cycles will vary by season from five (5) days in early spring through summer to ten (10) days in late fall through early winter.
6. Aerification shall be performed in turf areas to promote deep rooting, water penetration and to avoid soil compaction.
7. Aerification shall be performed in March/April and in September/October and be accompanied by complimentary cultural practices such as topdressing with screened compost, over-seeding, fertilizing and deep watering schedules.

8. Turf fertilizers shall be applied within the range of 3-4 pounds per 1000 square feet of actual Nitrogen per year, 1-2 pounds of Potassium per 1000 square feet per year, 3 pounds of Iron per 1000 square feet per year if and when soil tests or observation indicate.
 9. Fertilizers shall be organic and slow release and applied in three (3) applications.
 - i. in late April to early May,
 - ii. early to middle June and
 - iii. late August.
 10. Ground Limestone shall be applied at a rate required to raise soil pH to acceptable limits, if and when soil tests or observation indicate. Applications of lime shall be performed in late April to early May.
 11. Over-seeding shall be performed in turf areas which fail to show at least 95% vegetative cover. Soil shall be cultivated, graded and raked, seeded, watered and mulched. Over-seeding shall take place in early spring or late summer/early fall.
- i. Tree pits and tree grates
1. Regularly remove debris and dirt collected within tree grates.
 2. Remove rings from grates as trees mature and trunk increases in size. Monitor on annual basis. Maintain a minimum of four (4) inches clear between tree grate and trunk or root flare
- j. Litter and debris pickup and removal
1. Regularly scheduled litter patrol and debris pick up from all areas according to the following schedule.
 - March to October: 3 cycles per week
 - November to February: 1 cycle per week
 2. Routinely scheduled pick up at trash containers shall be performed according to the following schedule.
 - March to October: daily
 - November to February: 1 cycle per week
- k. Site Amenities
1. Site Amenities are to be maintained at all times. Site Amenities shall include, but not be limited to, decorative pavements, curbs, site drainage, stone walls, fences, benches, flower containers and planters, trash containers, signage, site lighting, bike racks or similar items.
 2. Maintenance shall include, but not be limited to:
 - i. The regular cleaning and routine repair of items listed.
 - ii. The routine graffiti removal from buildings, pavements and all Site Amenities.
 - iii. Repairs and re-lamping of all site lighting as necessary to maintain design light levels.
 3. Pavements and Curbing
 - i. Brick pavements shall be maintained at all times. Pavers which settle or heave more than 3/16" shall be reset to be flush with surrounding pavement.
 - ii. Sweep or blow pavement areas weekly, including but not limited to brick pavers, parking lots, driveways and walkways. Blowers shall be used in accordance with Town Regulations. Blowers shall not be used near parked vehicles. Debris shall be removed from site, and in no case shall debris be swept or blown onto the property of others.
 - iii. Power wash brick pavers to remove algae/slime, to remove chewing gum and excessive dirt. Washing shall occur annually. Removal of slime shall be monthly or as needed.
 - iv. Repair cracks and pot holes in asphalt parking lots and driveways.
 - v. Repair and/or replace concrete curbs which fail or deteriorate.
 4. Drainage grates and structures
 - i. Remove sediment and debris in catch basin sumps in Spring and Fall.

- ii. Maintain drain and utility covers being clear and secure at all times.
 - iii. Remove sediment from storm water infiltrators with vacuum truck in late Fall as needed. Monitor annually.
- 5. Site Furniture and Trash Containers
 - i. Maintain anchor bolts on bench legs secure to pavement.
 - ii. Wash teak furniture with a brush, mild soap, rinse and let dry.
 - iii. Wash outer surface of trash container.
- 6. Wood Fences
 - i. Fences shall be maintained at all times. Posts and rails shall be inspected annually.
 - ii. Fences shall be power washed and paint and/or stain shall be reapplied every five (5) years.
- 1. Additional Seasonal landscape maintenance
 - 1. Spring clean up
 - i. Ornamental grasses shall be cut back.
 - ii. Debris shall be from planting areas left over from winter.
 - iii. Flower container covers shall be stored for the growing season (see Winter Preparation 4 iii below).
 - 2. Summer flower planting in containers
 - i. Amend and refresh potting soil in containers.
 - ii. Prune woody plants in containers.
 - iii. Plant seasonal flowers; install and maintain drip irrigation as described by item V below; clip or deadhead spent flowers and shoots as required.
 - 3. Fall clean up
 - i. Leaf and tree litter clean up and removal.
[See **III** Leaf Removal above.]
 - 4. Winter preparation
 - i. Anti-transpirant and winter mulch shall be applied to broadleaf evergreens.
 - ii. Perennial flowers shall be cut back, annual flowers shall be removed after hard frost has occurred.
 - iii. Cover flower containers for winter.

V. Irrigation System

- a. Maintain an automatic watering system consisting of lines, rotary and mist heads, drip tubing, controls, sensors and valves to thoroughly and deeply soak the planting areas.
- b. System is to include rain sensors.
- c. System is to run during late evening to early morning hours, and is subject to any and all local restrictions (i.e. emergency restrictions on water usages during drought periods).
- d. System is to run daily to twice daily during/immediately following planting operations; once daily during the initial period of establishment, less frequently after 5 year establishment period. Containers shall be watered daily to twice daily throughout the growing season April to October. Lawn shall be watered daily to twice daily with new sod until establishment in 30 days; once per day thereafter and in subsequent season; Beginning in the 3rd season, lawn shall be watered once per 2 days to encourage deep rooting and sustainability or as required to maintain healthy turf (approximately 1" water per week). Trees and shrubs shall be watered daily during period of establishment, thereafter 2 to 3 times per week or as required.
- e. Start up system in April. Monitor weekly throughout season to correct for overspray onto pavement or poor coverage in planting areas, for damaged parts and leaks, and for missing and vandalized heads. Adjust timer controls as necessary for seasonal

requirements. Adjust timer scheduling to encourage deep watering through the use of multiple repeat cycles and zone preference.

- f. Shut down system in October-November, including capping and blow out lines to prevent freeze damage.
- g. Hand or supplemental watering shall also to be provided as necessary due to circumstances of plant requirements, insufficient rainfall, extreme weather conditions or periods of irrigation system malfunction. Insufficient rainfall shall be defined as seven consecutive days without recorded rainfall. All planting areas shall receive watering at least once within a five (5) day period.

VI. North Castle Police Authority

- a. The North Castle Police Department has the authority to enforce parking restrictions, these regulations, and any other traffic laws within the District.

VII. Parking Limits

- a. Residents of the District shall be required to place parking permit stickers on their vehicles.
- b. Residents of the District shall at no time be able to park overnight on Main Street.
- c. The Town Clerk shall issue two overnight parking permits per residential apartment.

Budget Transfers for March 26, 2014			
Account Code	Account Description	Increase/(Decrease) Amount	Reason
A 7110.432	Parks Contractual	28,360.00	Playground repair bid award
A 1002	Appropriated Fund Balance	28,360.00	Fund playground repairs
A 1310.130	Comptroller Overtime	5,000.00	Additional hours needed to cover vacant position
A 1310.110	Comptroller Salaries	(5,000.00)	Available funds