

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
August 13, 2014

The meeting was called to order at 5:00 p.m. on the duly adopted motion of Councilman DiGiacinto and immediately adjourned to an executive session. Councilmen D'Angelo, Councilman DiGiacinto, Councilman Reiter, Councilman Berra, the Town Attorney and the Town Administrator were present for the executive session which adjourned to a work session at 7:00 p.m. The regular meeting reconvened at 7:30 p.m.

Councilmen:	Stephen D'Angelo
	Barbara DiGiacinto
	Barry Reiter
	José Berra

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Supervisor Michael Schiliro was absent for the meeting.

The minutes of the Public Hearing which commenced at 7:50 p.m. follow at the end of these minutes.

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of the minutes of the July 23, 2014 meeting.

The roll call vote was as follows:

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

Noes: None

The award of bid for the Windmills rehabilitation project was tabled, pending further review.

Councilman Reiter moved, seconded by Councilman Berra, approval of request from the Edge of Dance for a one-month extension to August 31, 2014 to submit property owner authorization for a Special Use Permit at 7 North Greenwich Road.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, to reschedule the Public Hearing to October 8, 2014 for the Special Use Permit application from World Mission Society Church of God to occupy first floor of office building at 901 North Broadway in North White Plains.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of the following 2013 reports from Bonadio & Co., LLP: Comprehensive Annual Financial Report; Schedule of Cash, Cash in Time Deposits and Cash Special Reserves; and Justice Court Report.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, adoption of an Order Calling for Public Hearing on September 10, 2014 to increase funding at a revised maximum cost of \$9,950,000, an increase of \$310,000 over that previously authorized, regarding replacement of the distribution system for Water District No. 2.

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The roll call vote was as follows:

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

Noes: None

Councilman Berra moved, seconded by Councilman DiGiacinto, to schedule a Public Hearing on September 10, 2014 for an Amended Special Use Permit application regarding the Whippoorwill Club Turf Management and Maintenance Facility.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of Special Event Permit application from Haunted Dead End, and further moved to schedule a Public Hearing on September 10, 2014.

The roll call vote was as follows:

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

Noes: None

With regard to the petition requesting zoning amendments to apply an amended Residential Multifamily Single Structure (RMF-SS) Zoning District to the property located at 156 Bedford Road, Armonk, Councilman Reiter moved, seconded by Councilman DiGiacinto, the scheduling of a Public Hearing on September 10, 2014 to consider the amendments to the Zoning Code and an amendment to revise the Town Development Map of the Town Comprehensive Plan.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter

Noes: None

Abstained: Councilman Berra

Councilman Reiter moved, seconded by Councilman DiGiacinto, adoption of an Order to hold a public hearing on September 10, 2014 in the matter of Extension of Water District No. 7 for the property located at 156 Bedford Road, Armonk.

The roll call vote was as follows:

Ayes: Councilmen Reiter, DiGiacinto, D'Angelo.

Noes: None

Abstained: Councilman Berra

Pursuant to a letter from Sal Misiti, Director of Water and Sewer Operations, Councilman Reiter moved, seconded by Councilman Berra, approval of payment application #1 in the amount of \$465,798.03 to Bilotta Construction Corp. regarding the Water District No. 2 Water System Replacement Project, for work completed through July 29, 2014.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Patricia Colombo regarding a Consent Judgment, Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization to issue a refund to Armonk Whippoorwill Commons Condominium, 20 Whippoorwill Road East, Armonk, for tax years 2008-2014, in the total amount of \$22,906.27.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Supervisor to sign an agreement with LynStaar Engineering, P.C. for emergency generator design and construction

administration for North Castle Community Center on Clove Road, North White Plains, for a total amount of \$18,250.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign an agreement with Corporate Plans, Inc., DBA CPI-HR, for consulting services in connection with the Affordable Care Act, for an annual fee of \$7,000.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Supervisor to sign a Maintenance and Escrow Agreement with Frank Madonna, Jr., regarding the new private road within Madonna Subdivision, 95-97 Cox Avenue.

The roll call vote was as follows:

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

Noes: None

Councilman Berra moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the Storm water Control Facility Maintenance and Access Agreement with ASQ, LLC regarding the Storm water Pollution Prevention Plan for Armonk Square.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman Berra, authorization for the Supervisor to sign the Land-Banked Parking Agreement with Jin's Family Realty, Inc. regarding 758 North Broadway, North White Plains.

The roll call vote was as follows:

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

Noes: None

With regard to the agreements with Bonadio & Co, LLP for the federal OMB A-133 Single Audit and the NYS Department of Transportation (DOT) audit, Town Administrator Goldberg explained that due to FEMA funds which the Town received in 2013 for super storm Sandy, the federal dollar limit was exceeded which requires a federal compliance audit. Similarly, the NYS dollar limit was exceeded due to CHIPS funds the Town received in 2013 which requires a NYS DOT audit.

Councilman Berra moved, seconded by Councilman Reiter, authorization for the Supervisor to sign an agreement with Bonadio & Co., LLP for the 2013 OMB A-133 Single Audit for a fee of \$8,500.

The roll call vote was as follows:

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

Noes: None

Councilman Berra moved, seconded by Councilman Reiter, authorization for the Supervisor to sign an agreement with Bonadio & Co., LLP for the 2013 NYS DOT Audit, Schedule of State Transportation Assistance Expended, for a fee not to exceed \$4,000.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, the provisional promotional appointment of Georgann Richardson to Appraisal Technician, Assessor's Office, effective July 1, 2014.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of salary increases for the following Dept. Heads: Patricia Colombo, Tax Receiver; Anne Curran, Town Clerk; Adam Kaufman, Director of Planning; Sal Misiti, Director of Water & Sewer; Jamie Norris, Highway General Foreman; Victoria Sirota, Assessor. Salary increases are effective January 1, 2014.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman Berra, the appointment of Denise Oakley to Town Comptroller, effective August 18, 2014.

The roll call vote was as follows:

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

Noes: None

Councilman Berra moved, seconded by Councilman Reiter, the probationary appointment of Kimberly Barbieri to Personnel Manager, part time, up to 17 hours per week, effective August 14, 2014.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, the consensus agenda as follows:

- Receipt of the Town Clerk's monthly report for July, 2014.
- Release of the following Highway Bonds:
 - o Coastal Tile and Marble – Permit 0818 in the amount of \$500 for driveway alteration at 33 Sunrise Drive, Section 2, Block 02, Lot 9.-7.
 - o Edward Robinson – Permit 0824 in the amount of \$500 for driveway alteration at 46 General Heath Avenue, Section 7, Block 02, Lot 30.

The roll call vote was as follows:

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

Noes: None

The Town Board audited and approved payments totaling \$786,338.72 as indicated on Warrant #15 (\$753,876.01) and Warrant #15A (32,471.71).

The roll call vote was as follows:

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

Noes: None

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Berra that the meeting be closed at 8:30 p.m. in memory of the following residents: Ann Capasso, Maurice Tulis, Myoung Kim, Michael Grammas, Brian J. McConnell, Dorothy Johnson, resident and mother of Karen Johnson, Housing Board member, and former resident, Elizabeth Rusk.

Anne Curran, Town Clerk

Dated: August 25, 2014

PUBLIC HEARING

August 13, 2014

At 7:50 p.m. Councilman D'Angelo stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on August 13, 2014, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, concerning grant of conservation easement and declaration of restrictive covenants for properties located at 96 Cox Avenue and 98 Cox Avenue, Armonk, New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: July 31, 2014
Armonk, NY

Supervisor Michael Schiliro was absent.

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Letter from Veneziano and Associates with the proposed Conservation Easement Agreement dated July 16, 2014 was marked Exhibit "D" for the record.

Mark Miller, Veneziano & Associates, appeared before the Board on behalf of their client, Frank Madonna, Jr., contract vendee for the subject properties, owned by Gerard Sullivan and Olga Chama. Mr. Miller said that Mr. Madonna was authorized by the owners to submit a subdivision application. The Planning Board granted final plat approval for a three lot subdivision on May 5, 2014. One of the requirements of the approval was to submit a conservation easement to preserve forty percent of the property which will be dedicated to the Town. The conservation easement will restrict the activities which could take place.

Councilman DiGiacinto said that some of the neighbors who followed the application and have property contiguous to the subject property are pleased with the conservation easement.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 7:55 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Supervisor be authorized to sign the Conservation Easement and Declaration of Restrictive Covenants for property located at 96 and 98 Cox Avenue, Armonk, New York.

The roll call vote was as follows:

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

Noes: None

Anne Curran, Town Clerk

Dated: August 28, 2014