

Town Board Minutes  
Regular Meeting  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
April 13, 2016

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned into an Executive Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney, and the Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:35 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:40 p.m. and the following persons were present:

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

The minutes of the Public Hearing that commenced at 8:15 p.m. follow at the end of these minutes.

Pursuant to a request from North Castle Cares Coalition, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, a Resolution proclaiming April 20, 2016 as "Healthy Teen Brain Day" to applaud and support our youth who are making healthy decisions.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, approval of the minutes from the March 23, 2016 meeting.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman Reiter, receipt of Dismissal of Summons and Complaint in the matter of Geoffrey Harisch vs. Joan Cavorti Goldberg, Town of North Castle and North Castle Town Board.

Vote: Unanimous

A lengthy discussion ensued with regard to the resolution being considered by the Town Board to extend Water District No. 2 to include the Brynwood Golf & Country Club. Some members of Residents of Windmill, Inc. (ROWI) spoke regarding their concerns with water quality and hardness. Information regarding these concerns was provided by the Town's consulting Hydrogeologist, Bill Canavan of HydroEnvironmental Solutions; Leggette, Brashears & Graham Hydrogeologist, Tom Cusack; and Director of Water and Sewer Operations, Sal Misiti.

Supervisor Schiliro said this is a very important application which has been properly vetted, through public hearings, meetings, mailings and information provided, with respect to all concerns. The Supervisor said that the applicant will produce the minimum gallons of water needed and will pay for the infrastructure. With regard to a request from some Windmill residents to require a buy-in fee from the applicant, Mr. Schiliro said that with the opportunity to significantly reduce the assessment for residents in the entire district, it is necessary to take the responsible fiduciary action rather than require a buy-in fee as a condition of approval and risk losing all of the tax savings for the residents.

With regard to the application of Brynwood Partners LLC for the extension of Water District No.2, Councilman D'Angelo moved, seconded by Councilman Reiter, the adoption of the Resolution, which follows at the end of these minutes, to extend the boundaries of Water District No. 2 to include all property listed as Exhibit "A" of the Resolution.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes  
April 13, 2016

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to execute the Water District Contribution Agreement with Brynwood Partners LLC as amended by the Town Board and agreed to by the applicant.

Vote: Unanimous

Councilman Berra stated he was recusing himself with regard to the matter of the formation of the Long Pond Park District.

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of the Order from the State Comptroller approving the formation of the Long Pond Park District.

The roll call vote was as follow:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

Councilman Reiter moved, seconded by Councilman DiGiacinto adoption of a Resolution, which follows at the end of these minutes, of the Final Order establishing the Long Pond Park District.

The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilman D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

With regard to Long Pond Dam, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign an agreement with GEA Engineering for additional engineering services for a fee of \$13,200 to address studies needed to satisfy NYSDEC requirements.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

Regarding the Petition to extend Sewer District No. 2, Wampus Mills, 805-809 Route 128 (Mount Kisco Road), Councilman Reiter moved, seconded by Councilman D'Angelo, adoption of the Order calling for a Public Hearing on April 27, 2016.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of Special Use Permit Application for Westfield Day School, 7 North Greenwich Road, Armonk, and further moved referral to the Town's Planning Board and Zoning Board of Appeals, and Westchester County Planning Board.

Vote: Unanimous

Pursuant to requests from General Foreman Jamie Norris, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval to award bids for the following highway materials, and authorization for the Supervisor to sign the agreements.

Vote: Unanimous

Award to the lowest bidders as listed below:

Red Wing Properties, Thalle Industries & Putnam Materials:

AGGREGATES

Bank Run	\$28.00 per ton	Red Wing Properties, Stormville, NY
Washed Stone	1/4" \$28.50 per ton del.	Thalle Industries, Inc., Fishkill, NY
	3/8" \$28.50 per ton del.	Thalle Industries
	3/4" \$26.50 per ton del.	Thalle Industries
	1-1/2" \$26.50 per ton del.	Thalle Industries

Town Board Minutes  
April 13, 2016

Washed Limestone	3/4"	\$26.25 per ton del.	Putnam Materials, White Plains, NY
	1 1/2"	\$25.25 per ton del.	Putnam Materials
Shoulder Material		\$19.00 per ton del.	Thalle Industries, Inc., Fishkill, NY
Screened Top Soil		\$35.00 per ton	Red Wing Properties, Stormville, NY
Mason Sand		\$45.00 cu. Yd.	Thalle Industries, Fishkill, NY

Award bid for Stone Spreader with Operator to Peckham Materials.

Peckham Materials:

STONE SPREADER W/OPERATOR

Price per 8 hr. day	\$1,840.00 per day
Rubber Tire Roller W/Operator	\$1,304.00 per day
Charge to Move In/Out	\$ 600.00 per day
Cationic emulsion CRS-2P	\$ 2.60 per gallon applied

Award bid for asphalt to Peckham Materials.

BITUMINOUS CONCRETE

403.138902 Type 3 Binder	\$72.00 Per Ton FOB
403.178302 Top Coarse Type 6F	\$72.00 Per Ton FOB
403.198302 Top Coarse Type 7F	\$79.00 Per Ton FOB
714.06 Asphalt Curb	\$83.00 Per Ton FOB
403-118902 Type 1 Base	\$72.00 Per Ton FOB
402-128102 12.5 MM S/P Top	\$72.00 Per Ton FOB
402-258901 25.0 MM S/P Binder	\$72.00 Per Ton FOB
402-378901 37.5 MM S/P Base	\$72.00 Per Ton FOB
402-068101 6.3 POLY MOD S/P Top	\$79.00 Per Ton FOB
404-178902 6F3 Top Warm Mix	\$76.00 Per Ton FOB
404-118902 Type 1 Base Warm Mix	\$76.00 Per Ton FOB
407.01 Tack Coat	\$ 2.95 Per gallon

Approval of award to Chemung Supply Corp. for skid chain, snow plow and grader blades.

WINTER MATERIALS

SKID CHAIN -per 100 ft

Claw cross	\$544.00	Chemung Supply Corp., Elmira/NY
Sidechain	\$289.00	Chemung Supply Corp.
Pewag #3007	\$528.00	Chemung Supply Corp.
Pewag #1007	\$287.00	Chemung Supply Corp.
J Swivel Roller Hooks – Pewag #507	\$ 3.69 a piece	Chemung Supply Corp.
Clevis Hooks – Pewag #312	\$ 9.84 a piece	Chemung Supply Corp.

SNOW PLOW AND GRADER BLADES

6"X5/8" THICKNESS (WESTERN)	\$ 9.24 PER FOOT, Chemung Supply, Elmira
8"x5/8" THICKNESS	\$12.44 PER FOOT, Chemung Supply
8"X5/8" THICKNESS 3 SECTION FOR TENCO	\$13.64 PER FOOT, Chemung Supply
8"X5/8" THICKNESS 3 SECTION FOR HENDERSON	\$13.64 PER FOOT, Chemung Supply
CARBIDE BLADES	\$47.44 PER FOOT, Chemung Supply

Award bid to the low bidder, Gorman Bros., for liquid calcium chloride.

LIQUID CALCIUM CHLORIDE	\$1.00 per gallon	Gorman Bros., Inc. Albany NY
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Award to the Low bidder, Bilotta Construction, for Laid in Place Asphalt as follows:

LAID IN PLACE ASPHALT

Bilotta Construction:	403-138902-Type 3 Binder In-Place	\$92.75 per ton
	403-138902-Type 3 Binder In-Place w/Tack Coat	\$94.75 per ton
	403-178302-6F Top In Place	\$92.75 per ton
	403-178302-6F Top In Place w/Tack Coat	\$94.75 per ton
	403-198302-7F Top In-Place	\$100.75 per ton
	403-198302-7F Top In-Place w/Tack Coat	\$102.75 per ton

Town Board Minutes  
April 13, 2016

402-128102-12.5 MM S/P Top In-Place	\$92.75 per ton
402-128102-12.5 MM S/P Top In-Place w/Tack Coat	\$94.75 per ton
402-258901-25.0 MM S/P Binder In-Place	\$92.75 per ton
402-258901-25.0 MM S/P Binder In-Place w/Tack Coat	\$94.75 per ton
402-378901-37.5 MM S/P Base In-Place	\$92.75 per ton
402-378901-37.5 MM S/P Base In-Place w/Tack Coat	\$94.75 per ton
402-068101-6.3 Poly Mod S/P Top In-Place	\$100.50 per ton
402-068101-6.3 Poly Mod S/P Top In-Place w/Tack Coat	\$101.75 per ton
404-118902-Type 1 Warm Base Mix	\$96.75 per ton
404-118902-Type 1 Warm Base Mix w/Tack Coat	\$98.75 per ton
404-178902-6F Top Warm Mix In-Place	\$96.75 per ton
404-178902-6F Top Warm Mix In-Place w/Tack Coat	\$98.75 per ton
403-118902-Type 1 Base In Place	\$92.75 per ton
403-118902-Type 1 Base In Place w/Tack Coat	\$94.75 per ton
714.06 Curb Mix	\$353.00 per ton
714.06 Curb Mix In Place w/Tack Coat	\$355.00 per ton

Award bid for precast concrete structures (catch basins) to Chemung Supply and Campbell Foundry as follows:

30"X48" CATCH BASIN STRUCTURE WITH FOUR (4) KNOCKOUTS			
1CB-NS3	3' DEPTH WITHOUT SUMP	Chemung Supply	\$348.00
1CB-S3	3' DEPTH WITH SUMP	Chemung Supply	\$348.00
1CB-NS4	4' DEPTH WITHOUT SUMP	Chemung Supply	\$442.00
1CB-S4	4' DEPTH WITH SUMP	Chemung Supply	\$442.00
1CB-NS5	5' DEPTH WITHOUT SUMP	Chemung Supply	\$542.00
1CB-S5	5' DEPTH WITH SUMP	Chemung Supply	\$549.00
1CB-NS6	6' DEPTH WITHOUT SUMP	Chemung Supply	\$648.00
1CB-S6	6' DEPTH WITH SUMP	Chemung Supply	\$648.00
FRAMES AND GRATES		Chemung Supply	\$444.00
ALTERNATE FRAMES AND GRATES-Domestic		Campbell Foundry	\$610.00
ALTERNATE FRAMES AND GRATES-Imported		Campbell Foundry	\$510.00

1D1 30"x30" DRAIN INLET WITH FOUR (4) KNOCKOUTS			
1DI-NS3	3' DEPTH WITHOUT SUMP	Chemung Supply	\$275.00
1DI-S3	3' DEPTH WITH SUMP	Chemung Supply	\$275.00
1DI-NS4	4' DEPTH WITHOUT SUMP	Chemung Supply	\$365.00
1DI-S4	4' DEPTH WITH SUMP	Chemung Supply	\$365.00
1DI-NS5	5' DEPTH WITHOUT SUMP	Chemung Supply	\$438.00
1DI-S5	5' DEPTH WITH SUMP	Chemung Supply	\$438.00
1DI-NS6	6' DEPTH WITHOUT SUMP	Chemung Supply	\$495.00
1DI-S6	6' DEPTH WITH SUMP	Chemung Supply	\$495.00
FRAMES AND GRATES		Chemung Supply	\$364.00
ALTERNATE FRAMES AND GRATES-Domestic		Campbell Foundry	\$325.00
ALTERNATE FRAMES AND GRATES-Imported		Campbell Foundry	\$255.00

Award bid for guide rail installation to the sole bidder, Chemung Supply Corp:

1.	Galvanized corrugated beam rail – Material Only	\$22.24 per linear foot
2.	Galvanized corrugated beam rail, w/post – Material Only	\$14.94 per linear foot
3.	Galvanized 6 in. x 6 in box beam rail, including all splice plates, hardware, etc. Installed to NYSDOT specifications.	
	Using type one end sections	\$40.24 per linear foot
	Using type two end sections	\$52.10 per linear foot
4.	6 in x 6 in box beam rail shop cut and metered curve	\$72.60 per linear foot

Award of bid for installation of pavement markings on Town roads to the lowest bidder, Seneca Pavement Marking, for a total cost of \$470.00 per linear mile.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, approval of request from General Foreman Jamie Norris to go to bid for the purchase of a John Deere mower.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of a Resolution authorizing the adoption of the 2015 Westchester County, NY Hazard Mitigation Plan Update.  
Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of a Resolution requesting the Town of North Castle be considered an Interested Agency regarding proposed legislation by the Westchester County Board of Legislators to modify the Terminal Use Agreement (TUA) at the Westchester County Airport.  
Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Notice of Completion of Draft Supplemental Environmental Impact Statement and Notice of SEQRA Hearing on April 11, 2016 regarding Park Place at Westchester County Airport.  
Vote: Unanimous

Pursuant to a letter of recommendation from Sal Misiti, Director of Water and Sewer Operations, Councilman DiGiacinto moved, seconded by Councilman Berra, approval of Payment Application #2 to Kings Capital Construction Group, Inc. in the amount of \$8,787.50 regarding Water District No. 1 Ultraviolet Disinfection Project, for work completed through March 15, 2016, and further authorized the Supervisor to sign the payment application.  
Vote: Unanimous

Pursuant to a request from Superintendent of Recreation and Parks Matt Trainor, Councilman D'Angelo moved, seconded by Councilman Berra, approval to authorize funds from the General Fund for Michael Leary Custom Builders of Armonk to rebuild one dugout at Clove Road Field at a cost of \$14,900.

Ayes: Councilmen D'Angelo, Reiter, Berra, Supervisor Schiliro

Noes: None

Abstained: Councilman DiGiacinto

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Supervisor to sign an agreement with Kellard Sessions Consulting, P.C. for engineering services in connection with annual report for storm water management program, MS4, for a fee not to exceed \$3,000.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign an agreement with Kellard Sessions Consulting, P.C. for 2016 storm water outfall inspection for \$2,800 and for GIS mapping services for a fee not to exceed \$3,000.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of preliminary plans and construction budget estimate from Kellard Sessions Consulting, P.C. regarding Old Route 22 streetscape, and further moved referral to the Planning Board.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Lynstaar Engineering, P.C. for professional services regarding electrical design and irrigation at Wampus Brook Park South for a fee of \$3,500.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, authorization to allow Con Edison to install an Automatic Transfer Switch at the Town Hall location, the total cost of which will be absorbed by Con Edison.

Vote: Unanimous

Signing a letter of engagement with MGroup Consulting LLC (MGC) for supplemental accounting services in the Town of North Castle Finance Department was tabled.

Town Board Minutes  
April 13, 2016

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval for Police Officer, Anthony Sabatella, to attend NYSP (New York State Police) Juvenile Officers Association Conference in Geneva, NY, August 29 – September 2, 2016, to prepare for his assignment to the Youth Division.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of an amendment to the Terms and Conditions of Employment for the probationary appointment of the Chief of Police to include Town vehicle guidelines.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the reappointment of Jane Black to the Conservation Board for a term to expire April 8, 2018.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the reappointment of John Tiernan to the Conservation Board for a term to expire April 8, 2018.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the reappointment of George Drapeau to the Conservation Board for a term to expire April 8, 2018.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the appointment of Christine Argentina Futerfas to the Conservation Board for a term to expire April 8, 2018.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, the appointment of Grace LoBello to the Communications Committee to serve at the pleasure of the Town Board.

Vote: Unanimous

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

- Receipt of Town Clerk's monthly report – March, 2016

Vote: Unanimous

The Town Board audited and approved payments of \$409,542.67 as indicated on Warrant #7.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 12:03 a.m. in memory of residents Lucy Carpenito, North White Plains, and Richard Blackmar, and Norman Anderson, former resident and father of Nancy Woodyard.

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Alison Simon, Town Clerk

Dated: April 25, 2016

Record & Return to:

Roland A. Baroni, Jr.  
STEPHENS, BARONI, REILLY  
& LEWIS, LLP  
175 Main Street (Suite 800)  
White Plains, NY 10601

At a meeting of the Town Board of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York on the 13<sup>th</sup> day of April, 2016, at 7:30 P.M.

**RESOLUTION TO EXTEND WATER DISTRICT NO. 2**

WHEREAS, a Petition, Map and Plan have been prepared by BRYNWOOD PARTNERS, LLC dated September 2, 2015, for the extension of Water District No. 2 of the Town of North Castle, New York, was duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on November 4, 2015, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying December 9, 2015, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 9<sup>th</sup> day of December, 2015, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly adjourned; and

WHEREAS, on February 24, 2016, the public hearing was reconvened and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and thereupon the hearing was duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman D'Angelo, seconded by Councilman Reiter, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Water District No. 2 as proposed in said petition be approved; that such extension be designated as Water District No. 2 Extension-Area "Brynwood Water Extension"; that the improvements to be constructed by applicant therein mentioned and as agreed to in the Participation Agreement of even date be constructed at the sole cost and expense of the applicant, and such extension be bounded and described as set forth in **Exhibit A** attached hereto; said property also being known and designated as Section 2, Block 8, Lot C.71A on the tax assessment map of the Town of North Castle; and it is further

RESOLVED, that in addition to the proposed improvements to be constructed by the applicant, legal and engineering costs and the costs of an as-built survey shall be paid by the applicant; and it is further

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

<u>Roll Call:</u>	<u>Vote:</u>
Councilman D’Angelo	Aye
Councilman DiGiacinto	Aye
Councilman Reiter	Aye
Councilman Berra	Aye
Supervisor Schiliro	Aye



STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF NORTH CASTLE

I, ALISON SIMON, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 13<sup>th</sup> day of April, 2016.

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Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 13<sup>th</sup> day of April in the year 2016 before me, the undersigned personally appeared ALISON SIMON, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

EXHIBIT A

Brynwood Partners LLC

568 Bedford Road  
Armonk, New York 10504  
Section 2  
Block 8  
Lot C.71A

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on April 13, 2016, at 7:30 o'clock p.m., Prevailing Time.

P R E S E N T :

Michael J. Schiliro, *Supervisor*

Stephen D'Angelo, *Councilman*

Barbara DiGiacinto, *Councilman*

Barry Reiter, *Councilman*

Jose Berra, *Councilman*

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In the Matter of

VARIOUS PROPERTY OWNERS

of Taxable Real Property in an Unincorporated Portion  
of the Town of North Castle, Westchester County,  
New York to Establish, Pursuant to Article 12 of the  
Town Law, a Park District to be known as the Long Pond  
Park District in the Town of North Castle

**FINAL ORDER**

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WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has heretofore duly caused a map, plan and report to be prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town in relation to the establishment of a park district in the Windmill Farm area in said Town, to be known as the Long Pond Park District; and

WHEREAS, in reliance thereon a Petition, duly executed and acknowledged, was received by the Town Board and subsequently reviewed for sufficiency and accuracy; and

WHEREAS, an order was duly adopted by said Town Board on June 24, 2015, reciting a description of the boundaries of said proposed Park District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 22<sup>nd</sup> day of July, 2015, at 8:00 o'clock P.M., Prevailing time, at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and mailed to each affected property owner, and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard at which time said public hearing was adjourned; and

WHEREAS, said public hearing was re-convened on August 5, 2015, at which time all persons desiring to be heard were duly heard and the public hearing was then closed; and

WHEREAS, following said public hearing, and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a second “approval resolution” approving the establishment of the Long Pond Park District was also adopted at said time; and

WHEREAS, in response to an application duly made pursuant to subdivision 3 of Section 209-f of the Town Law, the State Comptroller has duly made an order, in duplicate, dated March 5, 2016, granting permission for the establishment of the Long Pond Park District, one copy of which has been filed in the office of the Town Clerk and which has been submitted to said Town Board;

NOW, THEREFORE, IT IS HEREBY ORDERED,  
by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. Long Pond Park District in the Town of North Castle, Westchester County, New York, in accordance with the aforesaid Order of the State Comptroller, is hereby established to include the tax lots as shown in the Tax Assessment Maps of the said Town set forth in **Exhibit A** hereto:

Section 2. The project costs and financing are as set forth in **Exhibit B**.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Westchester County, New York, within ten (10) days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law.

Section 4. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call,  
which resulted as follows:

Councilman D’Angelo	voting <u>Aye</u>
Councilman DiGiacinto	voting <u>Aye</u>
Councilman Berra	voting <u>Abstention</u>
Councilman Reiter	voting <u>Aye</u>
Supervisor Schiliro	voting <u>Aye</u>

The order was thereupon declared duly adopted.

\* \* \* \*

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York, DO  
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board  
of said Town, including the resolution contained therein, held on April 13, 2016, with the original  
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the  
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that pursuant to Section 103 of the Public Officers Law (Open  
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that PRIOR TO the time of said meeting, the time and the place of  
all regular meetings of the Town Board for the year were announced at an Organizational Meeting  
in January, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town  
this 13<sup>th</sup> day of April, 2016.

(CORPORATE SEAL)

\_\_\_\_\_  
ALISON SIMON  
Town Clerk

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York, DO  
HEREBY CERTIFY:

That I have compared the following document with the original thereof on file in my  
office, and that the same is a true and correct transcript therefrom and of the whole of said original  
so far as the same relates to the subject matter therein referred to:

Final Order Establishing Long Pond Park District  
Town of North Castle, Westchester County, New York

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town  
on April 13, 2016.

(*CORPORATE SEAL*)

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Alison Simon  
*Town Clerk*

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF WESTCHESTER )

On the 13th day of April in the year 2016 before me, the undersigned personally appeared  
ALISON SIMON, Town Clerk of the Town of North Castle, personally known to me or proved to  
me on the basis of satisfactory evidence to be the individual whose name is subscribed to the  
within instrument and acknowledged to me that she executed the same in her capacity, and that by  
her signature on the instrument, the individual, or the person upon behalf of which the individual  
acted, executed the instrument.

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Notary Public

EXHIBIT “A”

TOWN OF NORTH CASTLE  
LONG POND DAM PARK DISTRICT LIST  
UPDATED 5/22/2015  
SOURCE: PAS - ASSESSOR'S OFFICE

<u>Seq No.</u>	<u>New Parcel ID</u>	<u>Old Parcel ID</u>	<u>Owner 1</u>	<u>Owner 2</u>		<u>Legal Address</u>			<u>Acreage</u>
1	101.04-3-14	1/04/10.-45.BB	ASIF AHMED		5	OAK RDG	Armonk	10504	1.19
2	101.04-3-13	1/04/10.-45.C	BERMAN STEPHEN	BERMAN AMY	7	OAK RDG	Armonk	10504	1.85
3	101.04-3-9	1/04/10.-600	GREENSPAN JUNE B		6	OAK RDG	Armonk	10504	1.56
4	101.04-3-8	1/04/10.-601	KLEIN ROBERT M	KLEIN SUSAN P	14	POND LN	Armonk	10504	1.6
5	101.04-3-7	1/04/10.-602	SHIMER SUSAN R		16	POND LN	Armonk	10504	1.58
6	101.04-3-6	1/04/10.-603	LEFFLER MURRAY	LEFFLER KAY	18	POND LN	Armonk	10504	1.69
7	101.04-3-5	1/04/10.-604	PARESI JOSEPH	PARESI APRIL	20	POND LN	Armonk	10504	1.65
8	101.04-3-4	1/04/10.-605	LORING JEANNETTE H	LORING MORTON A	22	POND LN	Armonk	10504	1.75
9	101.02-4-28	1/04/10.-72	DAVIES TRACEY ANNE	DAVIES ANDREW MICHAEL	43	WINDMILL RD	Armonk	10504	2.24
10	102.01-1-52	1/04/10.-73	WEILLER PETER J		45	WINDMILL RD	Armonk	10504	1.56
11	102.03-1-1	1/04/10.-74	EISENBERG PAUL H	EISENBERG REBECCA L	47	WINDMILL RD	Armonk	10504	1.9
12	102.03-1-83	1/04/10.- 202	GLEICHER KENNETH	GLEICHER TERESA	4	LONG POND CT	Armonk	10504	3.63
13	102.03-1-78	1/04/10.- 201	DWORETZKY AMY	DWORETZKY JOEL	43	LONG POND RD	Armonk	10504	1.91
14	102.03-1-76	1/04/10.- 200	MACEIRA ARTURO	MACEIRA VICTORIA	41	LONG POND RD	Armonk	10504	1.58
15	102.03-1-72	1/04/10.- 207	KATZ AARON	KATZ JENNIFER	38	LONG POND RD	Armonk	10504	1.51
16	102.03-1-71	1/04/10.- 208	GERSHUNY ADAM	GERSHUNY STEFANIE	36	LONG POND RD	Armonk	10504	1.82
17	102.03-1-70	1/04/10.- 209	KATZ RUSSELL	KATZ MELISSA	34	LONG POND RD	Armonk	10504	1.78
18	102.03-1-69	1/04/10.- 210	ALLEN JEFFREY N		32	LONG POND RD	Armonk	10504	1.59



**EXHIBIT “B”**

SUPPLEMENTAL REPORT  
TO  
MAP, PLAN AND REPORT  
FOR THE  
DAM MAINTENANCE DISTRICT  
LONG POND

Town of North Castle  
Westchester County, New York

May 19, 2015  
Revised May 28, 2015  
Amended June 11, 2015

Prepared by:  
Kellard Sessions Consulting, P.C.  
500 Main Street  
Armonk, New York 10504

## TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. Amended – Introduction	1
V. Amended – District Boundary	2
VII. Amended – Projected Costs and Financing	3

## APPENDIX

Appendix A (Amended)	Long Pond Dam District Map
Appendix G	Short Environmental Assessment Form

### **I. INTRODUCTION**

The Town of North Castle intends to create a special district for the purpose of funding improvements and long term programs for Long Pond Dam. The Long Pond Dam Maintenance District would encompass those properties which have a direct benefit use of Long Pond, inclusive of residential homes fronting on or across the street from Long Pond. Dam Maintenance District responsibility would include the financing of costs associated with required engineering studies, improvements and long term maintenance and reporting required to comply with the NYSDEC Dam Safety Program.

Long Pond is located within the residential Windmill community, in the Town of North Castle, Westchester County, New York. The pond is slightly less than nine (9) acres, with a length of 2,000 feet and a width between 150 - 400 feet. Approximately 28 million gallons of water are retained behind the ±40 foot high and 25 foot wide earthen fill embankment which was constructed in the 1930's. The dam has been classified as a Class “B” Intermediate Hazard structure which could cause damage to homes and roadway if the dam fails.

There are eighteen (18) properties surrounding the pond which have direct benefits of the pond. Long Pond is owned by the Town of North Castle, however, the dam is located on privately-owned parcels. It is not realistic to expect the two (2) property owners, for which the dam is located, to incur the full costs required to improve and maintain the dam. The district formation has been proposed to fairly distribute the costs of the dam improvements and long term maintenance requirements equally between all eighteen (18) property owners and the Town of North Castle. New York State Law does not permit the Township to participate within the proposed district. Since Long Pond is a Town amenity accessible to all residents, the Town intends to obligate itself to the District through contract.

New York State Department of Environmental Conservation (NYSDEC) Dam Safety Program representatives have inspected the dam and have determined that repairs are necessary to bring it into compliance with present NYSDEC Dam Safety Regulations. Furthermore, safety inspections, engineering assessment and other evaluations are required to confirm the dam's safety. Future management of the dam must proceed under an Inspection and Maintenance Plan, an Emergency Action Plan must be developed, records need to be kept and annual certifications must be provided to the Department.

**V. AMENDED - DISTRICT BOUNDARY**

The district boundary is proposed to include those properties surrounding Lond Pond which have a direct beneficial use of the lake. There are eighteen (18) parcels which directly front onto the pond or across the street from the pond. The boundary is depicted on the Long Pond Dam District Map, prepared by Kellard Sessions Consulting, P.C. and dated (last revised) June 11, 2015 (Appendix A). A list of the tax designation, address, present owner and assessed value of each parcel follows:

<u>Tax Lot Designation</u>	<u>Owner</u>	<u>Address</u>	<u>Assessed Value</u>
101.04/3/14	Ahmed Asif	5 Oak Ridge	\$30,000.00
101.04/3/13	Stephen & Amy Berman	7 Oak Ridge	\$22,400.00
101.04/3/9	June B. Greenspan	6 Oak Ridge	\$25,600.00
101.04/3/8	Robert & Susan Klein	14 Pond Lane	\$20,900.00
101.04/3/7	Susan R. Shimer	16 Pond Lane	\$19,400.00
101.04/3/6	Murray & Kay Leffler	18 Pond Lane	\$17,000.00
101.04/3/5	Joseph & April Paresi	20 Pond Lane	\$36,600.00
101.04/3/4	Jeannette & Morton Loring	22 Pond Lane	\$19,800.00
101.02/4/28	Tracey & Andrew Davies	43 Windmill Road	\$32,000.00
102.01/1/52	Peter Weiller	45 Windmill Road	\$24,600.00
102.03/1/1	Paul & Rebecca Eisenberg	47 Windmill Road	\$18,600.00
102.03/1/83	Kenneth & Teresa Gleicher	4 Long Pond Court	\$25,500.00
102.03/1/78	Amy & Joel Dworetzky	43 Long Pond Road	\$19,100.00
102.03/1/76	Arturo & Victoria Maceira	41 Long Pond Road	\$31,200.00
102.03/1/72	Aaron & Jennifer Katz	38 Long Pond Road	\$30,500.00
102.03/1/71	Adam & Stefanie Gershuny	36 Long Pond Road	\$26,200.00
102.03/1/70	Russell & Melissa Katz	34 Long Pond Road	\$23,350.00
102.03/1/69	Jeffrey & Elaine Allen	32 Long Pond Road	\$34,000.00

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**Total Assessed Value**

**\$456,750.00**

**VII. AMENDED - PROJECTED COSTS AND FINANCING**

Project costs consist of capital construction costs, engineering costs and annual operation and maintenance costs. Capital construction costs include improvements required to bring the dam into compliance with present Dam Safety Regulations, which would include Phase I tree removal improvements and projected Phase II improvements.

Engineering costs represent initial costs to assess the dam, preparation of plans and specifications and the preparation of an Inspection and Maintenance Plan and Emergency Action Plan. Operation and maintenance costs include ongoing inspections and assessments, updating programs and plans and annual maintenance of the dam and appurtenances. Estimated costs are outlined as follows:

**Capital Improvement Costs**

**Phase I**

Tree Removal..... \$100,000.00

**Phase II**

Repair spillway outlet culvert: repair spalling walls..... \$7,500.00  
and replace bottom slab

Enlarge and stabilize discharge channel ..... \$8,000.00

Topsoil, seed and stabilize downstream slope ..... \$25,000.00

Fill top of dam: raise crest elevation approximately 1.5 feet..... \$20,000.00

Install rip rap protection upstream slope of dam..... \$30,000.00

Control of seepage, install filter blanket and drain at seep ..... \$8,000.00

Low level discharge: extend drain, repair sluice gate,  
locate intermediate valve and clean pipe ..... \$10,000.00

Capital Improvement Costs..... \$208,500.00

20% Construction Contingency ..... \$41,700.00

**Total Capital Construction Costs ..... \$250,200.00**

**Engineering Costs**

Modification of Previously Prepared Phase I Services .....	\$6,875.00
Hydrologic Analysis .....	\$9,800.00
Dam Stability Analysis .....	\$9,800.00
Spillway Capacity Analysis .....	\$3,500.00
Geotechnical Services .....	\$12,350.00
I&M Plan and Emergency Action Plan.....	\$3,850.00
Diver Inspection/Confined Space Entry .....	\$6,200.00
Bathymetric Survey/Monitoring Seep .....	\$3,850.00
Design Plans and Specifications .....	\$6,000.00
Engineering Report/Permit Applications .....	\$6,200.00
Construction Administration and Monitoring.....	<u>\$5,000.00</u>
<b>Total Engineering Costs .....</b>	<b>\$73,425.00</b>

**Capital Costs**

Repair & Improvement Costs .....	\$250,200.00
Engineering Services.....	\$73,425.00
Legal Services .....	<u>\$ 10,000.00</u>
Projected Total Improvement, Engineering & Capital Costs .....	\$333,625.00
Maximum Bond Amount .....	\$335,000.00

**Annual Indebtedness**

The annual bonding costs calculated based on a 20 year bond at an annual interest rate of 4% would be approximately \$24,360.00 per year.

**Annual Operation & Maintenance Costs**

Annual Operation & Maintenance Costs are projected to be approximately \$4,500.00 per year.

Annual mowing and removal of woody vegetation .....	\$2,500.00
10 year Engineering Assessment .....	\$1,000.00
Annual inspection and updating programs .....	<u>\$1,000.00</u>
<b>Total Annual Operation and Maintenance Costs .....</b>	<b>\$4,500.00</b>

**Total Annual Cost**

The Town Board shall establish a budget each year for the district, which shall include annual bond indebtedness costs for the year; annual inspection and maintenance costs; annual professional fees to update plans and programs; and a reserve to cover engineering assessment of the dam every ten (10) years and unforeseen repairs. The total annual cost shall be, as follows:

Annual Bond Indebtedness	\$24,360.00
Operation & Maintenance	<u>\$4,500.00</u>

**Total Annual Cost** **\$28,860.00**

The Town of North Castle is the Owner of the parcel of land which includes a majority of Long Pond. Long Pond is a Town amenity which is accessible to all residents of the Township. Since New York State Law does not permit the Township to participate within the proposed District, the Town will obligate itself to the District through contract with the responsibility of paying 47% of the annual costs of Bond Indebtedness and Operation & Maintenance of the Dam.

Total Annual Cost \$28,860.00

Less Town Contractual Obligation (47%) \$13,564.00

**Total Annual Cost to District Participants** **\$15,296.00**

The individual properties of the District shall be responsible for \$15,296.00 of the annual costs of the District. The costs will be divided between the District participants through an Ad Valorem Assessment Method. The total assessed value of the eighteen (18) participating properties is \$456,750.00. Therefore, costs to participants shall be:

$\$15,296.00 / \$456,750.00 = \$33.49 / \$1,000.00$  of assessed value

Annual costs per resident follows:

<u>Tax Lot Des.</u>	<u>Owner</u>	<u>Address</u>	<u>Assessed Value</u>	<u>Annual Cost</u>
101.04/3/14	Ahmed Asif	5 Oak Ridge	\$30,000.00	\$1,004.70
101.04/3/13	Stephen & Amy Berman	7 Oak Ridge	\$22,400.00	\$750.18
101.04/3/9	June B. Greenspan	6 Oak Ridge	\$25,600.00	\$857.34
101.04/3/8	Robert & Susan Klein	14 Pond Lane	\$20,900.00	\$699.94
101.04/3/7	Susan R. Shimer	16 Pond Lane	\$19,400.00	\$649.71
101.04/3/6	Murray & Kay Leffler	18 Pond Lane	\$17,000.00	\$569.33
101.04/3/5	Joseph & April Paresi	20 Pond Lane	\$36,600.00	\$1,225.73
101.04/3/4	Jeannette & Morton Loring	22 Pond Lane	\$19,800.00	\$663.10
101.02/4/2	Tracey & Andrew Davies	43 Windmill Road	\$32,000.00	\$1,071.68
102.01/1/5	Peter Weiller	45 Windmill Road	\$24,600.00	\$823.85
102.03/1/1	Paul & Rebecca Eisenberg	47 Windmill Road	\$18,600.00	\$622.91
102.03/1/83	Kenneth & Teresa Gleicher	4 Long Pond Court	\$25,500.00	\$854.00
102.03/1/78	Amy & Joel Dworetzky	43 Long Pond Road	\$19,100.00	\$639.66
102.03/1/76	Arturo & Victoria Maceira	41 Long Pond Road	\$31,200.00	\$1,044.89
102.03/1/72	Aaron & Jennifer Katz	38 Long Pond Road	\$30,500.00	\$1,021.45
102.03/1/71	Adam & Stefanie Gershuny	36 Long Pond Road	\$26,200.00	\$877.44
102.03/1/70	Russell & Melissa Katz	34 Long Pond Road	\$23,350.00	\$781.99
102.03/1/69	Jeffrey & Elaine Allen	32 Long Pond Road	\$34,000.00	\$1,138.66

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**Total Annual Costs to Participants** **\$15,296.00**

APENDIX A (AMENDED)  
LONG POND DAM DISTRICT MAP

