

Town Board Minutes
Regular meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 9, 2015

The Town Board meeting was called to order at 5:00 p.m. 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 7:30 p.m. The regular meeting reconvened at 7:35 pm and the following persons were present:

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| Supervisor: | Michael J. Schiliro |
| Councilmen: | Stephen D'Angelo |
| | Barbara W. DiGiacinto |
| | Barry S. Reiter |
| | Guy A. Mezzancello |

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

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

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the minutes of the August 5, 2015 meeting.

Vote: Unanimous

Mark Weingarten, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, appeared before the Board regarding the Petition from Brynwood Partners LLC to extend Water District No. 2 to the Brynwood Golf & Country Club property, located at 568 Bedford Road. Mr. Weingarten said the Findings Statement adopted by the Town Board on June 10, 2015, with respect to the development of a proposed golf course community and other improvements, addressed the potential extension of Water District No. 2 and required Brynwood Partners to petition the District to extend its boundaries to include the 156 acre Brynwood property (the "Extension Area"), and provide the necessary information for the Board to decide whether the extension would be in the best interest of the Water District as a whole.

Mr. Weingarten said that the Petition contemplates, as previously agreed, that if the extension is approved, that Brynwood Partners will, at its expense, make improvements to the facilities of the Water District, including the development of one or two wells and other upgrades and improvements which are currently estimated to cost \$1.1 million. Upon completion, these improvements will be transferred to the Water District. Mr. Weingarten said that irrigation water for the golf course and the new golf course community will be supplied by the existing surface water source, with on-site wells as a backup source. He emphasized that that the use of water from Water District No. 2 will be limited to the domestic water demands of the golf course community and the clubhouse.

Mr. Weingarten added that New York Town Law Section 194 provides the appropriate standard of review; and the Town Board must determine:

- whether all the property and property owners within the proposed Extension Area are benefitted by the extension;
- whether all the property and property owners benefitted are included in the proposed Extension Area; and
- most importantly, whether the public interest is served by the granting of the Petition.

Stacey Stieber, hydrogeologist, Leggette, Brashears & Graham, Inc., spoke about the Well Field Assessment report which included the recommendation that a bedrock well, or two wells if needed, be drilled to develop the additional water supply required.

Supervisor Schiliro said that residents will be provided with information regarding the environmental and economic impacts of Brynwood property joining the Water District followed by a public a meeting to answer questions to be held in advance of the public hearing on the Petition.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of the Petition from Brynwood Partners LLC to extend Water District No. 2 to encompass the approximately 156 acre Brynwood Golf & Country Club property .

Vote: Unanimous

Authorization for the Supervisor to execute the Community Benefits Agreement with Brynwood Partners LLC was tabled.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of site plan for Wampus Brook Park South, developed by Kellard Sessions Consulting, P.C. and recommended by the Parks and Recreation Advisory Board, which includes paths, lawn areas, park furniture, off-street parking, lighting and stormwater improvements. This was approved with the condition that brook water will be the primary source for irrigation; secondarily, any source other than Town water will be used; and Town water will be the last source.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of sales tax update Town Comptroller Denise Oakley. Sales tax collections for the first two quarters of 2015 are over budgeted amounts.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of NYSDEC Wetlands Permit Approval regarding parking expansion at the Hergenhan Recreation Center.

Vote: Unanimous

In connection with the Town's sidewalk improvement project and upon the recommendation of Kellard Sessions Consulting, P.C., Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign Change Order No. 2 with Vernon Hills Contracting Corp. in the amount of \$59,629.08, for work completed through July 12, 2015.

Vote: Unanimous

In connection with the Town's sidewalk improvement project, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, acceptance of a letter of Certificate of Final Completion from Kellard Sessions, P.C. for the work performed by Vernon Hills Contracting Corp. under its contract with the Town. The Final Completion date was established as August 26, 2015 which establishes the correction period by which the contractor is obligated to repair any defective work without cost to the Town for a period of one (1) year.

Vote: Unanimous

Regarding the underground storage tank removal and cleanup activities at 533-535 Main Street, Armonk, Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of memo from Kellard Sessions Consulting, P.C. with a summary of HydroEnvironmental Solutions, Inc. costs, and further moved approval of Invoice #17208 in the amount of \$92,135.50.

Vote: Unanimous

Receipt of donation from the Recycling Committee of waste and recycling trash receptacles for North White Plains was tabled.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of a Holiday Display permit application from Anita Cozza to place a nativity scene in Wampus Brook Park from November 21, 2015 to January 10, 2016

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request from North White Plains Fire Co. #1, Inc., for the renewal of its Special Use Permit to sell Christmas trees during the 2015 holiday season, starting Thanksgiving weekend through the weekend before Christmas.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of notification from Superintendent Matt Trainor of the following donations received by Recreation and Parks Department:

- \$300 from Valhalla Junior Vikings Youth Football for field care and maintenance at Clove Road Field.
- \$1,000 from AYSO of Armonk for field care and maintenance.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of an alcohol permit application for Atlantic Westchester, Inc. for an event at Lombardi Park on September 27, 2015, subject to Police Department review and required insurance.

Vote: Unanimous

Pursuant to a letter of recommendation from Sal Misiti, Director of Water and Sewer Operations, Councilman D'Angelo moved, seconded by Councilman Mezzancello, approval of Payment Application #14 to Bilotta Construction in the amount of \$870,504.27 regarding Water District No. 2 Water System Replacement Project, for work completed through August 21, 2015, and further authorized the Supervisor to sign the payment application.

Vote: Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a Consent, Order and Judgment for Rocky Ledge Swim Association, 1402 Old Orchard Street, North White Plains, Tax Map #123.01-1-19, for tax years 2010 through 2015, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval to issue a refund of \$2,753.78. Note: This is one of six refunds to be made.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Town Attorneys to execute a Consent Judgment in the Tax Certiorari matter of Varsames Family LP vs. Town of North Castle – Index No. 267003/12 et al, and a Stipulation of Discontinuance for the assessment year 2011 – Index No. 15527/11.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Decision and Order regarding Gail Wenger vs. the Town and the North Castle Public Library.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the following requests from Town Administrator Goldberg regarding Town vehicles:

- To auction two Police Dept. vehicles.
- To purchase a 2015 Ford Police Interceptor utility vehicle for \$36,813.90, to be funded from the General Fund.
- To purchase a truck for the Parks Department in a mini-bid through the NYS Comptroller's Office Vehicle Marketplace for \$39,590; this truck is fully funded in the current year's budget.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the agreement with Corporate Plans Inc. (CPI) for consulting services in connection with the Affordable Care Act.

Vote: Unanimous

Upon the recommendation of Kellard Sessions Consulting, P.C., Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an updated proposal with GEA Engineering, P.C. regarding the diver underwater inspection for Long Pond Dam at a cost of \$12,500 which is an increase over the original cost of \$6,200. The inspection which has been expanded to include underwater cores of the embankment.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign an agreement with Kellard Sessions Consulting, P.C. for engineering services

and preparation of final design drawings and bid documents regarding Old Route 22 Streetscape improvements as follows:

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| - I. Final Design Phase | \$20,000 |
| - II. Bod Phase | \$15,000 |
| - III. Construction Management & Inspection Phase | \$20,000 |
| Total | \$55,000 |

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign a retainer for Orrick, Herrington & Sutcliffe, LLP to act as bond counsel regarding Water District No. 1 - LT2 UV Disinfection project for the following fees:

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|------------------------|---------|
| - Short Term Financing | \$1,450 |
| - EFC Bonds | \$3,500 |

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of request from Assessor Sirota to attend Annual Meeting and seminar on Assessment Administration in Ellenville, NY from October 4-7, 2015; approval was also given to use a Town vehicle for travel to and from the seminar.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of request from Chief of Police Simonsen for Detective Sergeant Murray and Sergeant Sammann to attend *Background Investigation for Police Applicants* training, October 1-2, 2015 in Stamford, CT.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, receipt of Worker Related Injury/Illness report for a Highway worker.

Vote: Unanimous

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

- Receipt of Town Clerk's monthly report – August, 2015
- Receipt of Franchise fee payments for 2nd Quarter, 2015:
 - o Verizon FIOS - \$36,807.06
 - o Cablevision - \$30,949.00 for Cablevision system; \$9,025.00 for Southern Westchester
- Approval of request from General Foreman Norris for release of the following highway bonds:
 - o Con Edison – Permits 1118 & 1123 for ROW/Street Openings on various roads in the Town of North Castle in the amount of \$1,750.00.
 - o Mohammad Naseri – Permit 0844 in the amount of \$500.00 for driveway alteration at 46 Banksville Road, Sec. 1, Block 04, Lot 28.-4.
 - o Pavel Corp. #1 – Permit 0848 in the amount of \$500.00 for driveway alteration at 13 Meadow Hill Place., Sec. 2, Block 02, Lot 3.D-2.
- Receipt of the following Notices of Claim and referral to Town Attorney:
 - o Stephen Berman vs. Town of North Castle
 - o Stanley Simon vs. Town of North Castle
 - o Stacey Wheeley vs. Town of North Castle

Vote: Unanimous

The Town Board audited and approved payments of \$2,238,384.07 as indicated on Warrant #15.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:52 p.m. in memory of North White Plains residents Joyce Kanze and Donald Cherico, Sr., and Armonk residents Dominick Bologna, Ruth Golub and Wallace Sroka, Sr., resident and member of Armonk Independent Fire Co. and Uncle of Julie Mucker, Conservation Secretary.

Anne Curran, Town Clerk

Dated: September 22, 2015