

## PUBLIC HEARING

March 22, 2017

At 8:15 p.m. Supervisor Schiliro 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 Wednesday, March 22, 2017, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a local law to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position.

The proposed Local Law is available in the Town Clerk's Office during regular business hours and on the Town's website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Alison Simon, Town Clerk

Dated: March 11, 2017  
Armonk, NY

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.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a proposed Local Law for consideration.

Supervisor Schiliro said that the Town Board has held several Work Sessions regarding the Receiver of Taxes position; and the current Receiver Patricia (Patty) Colombo participated in the most recent Session and provided information on the specific tasks within the office. The Supervisor said that one of the drivers for him in considering the reclassification of the Receiver position to an appointive position was the 2008 Report of the New York State Commission on Local Government Efficiency & Competitiveness which recommended to convert certain elective positions to appointive positions.

The Supervisor said that a few years ago there was discussion at a Work Session regarding changing certain offices from elective to appointive positions. At the time Patty Colombo advised that she would most likely be retiring at the end of her current term in 2017. Since then Patty has advised she would like to stay on a bit longer. Supervisor Schiliro explained that since the term of office of the Receiver is up at the end of the year, there potentially could have been an election in November 2017, with one or more candidates running, at the same time a proposition is on the ballot to reclassify the position from an elective to an appointive position effective January 1, 2018. He said he thought this would be very confusing, and he preferred that, if the Town Board adopts the local law at the hearing tonight, that the Board sets a date for a special election in May 2017, and thereby be respectful to the political process. If the proposition were to pass at the special election, there would not be an election for the Receiver position in November 2017 and the Board would be appointing in January 2018. If the proposition were not to pass, there would be an election in November and the candidates running for the position would know that the person elected would be able to serve. Supervisor Schiliro said the NYS Commission highly recommended that when a conversion is done, that in most cases, the current elected official be appointed. The Supervisor said that Patty would help analyze how to transition the office to the future. He said this is one of many steps to continue to modernize local government, make it more efficient, and look for cost savings which there will be. He said that, even if the cost saving aspect were removed, he believed that very important

administrative positions, such as the Receiver, should not be left to an election, but rather that the Town be able to interview and hire for the positions.

Councilman DiGiacinto said she was in favor of the appointive position, and said it was important to have Patty Colombo serving in this transition. Ms. DiGiacinto commented on the importance of cost savings and efficiencies, and said that ever changing technology can make a difference in the way this department is run. She enumerated the Town department head positions which are appointed.

Councilman Reiter said he was in agreement with Councilman DiGiacinto, and he recommended that anyone who has questions or is interested in knowing more about what the Receiver does view the (February 28, 2017) Work Session. Mr. Reiter said efficiencies and savings which could be achieved are worth changing the position.

Councilman D'Angelo also expressed agreement and said that as positions become technical professional people with specific expertise are needed. Mr. D'Angelo said that Patty's expertise can be utilized to move the position forward.

Councilman Berra said he thought that technology makes a compelling case to reclassify the position; and Patty will help with the transition. Mr. Berra said that while he would prefer not to have the cost of a special election, there would be cost savings in the future. He expressed support of taking action and moving to an appointive position.

The Supervisor said that over time technology could be further leveraged for additional efficiencies and cost savings. He said the Town Board made a conscious decision not to eliminate the position, but to convert it to an appointive position. He said that Patty would be hired as the appointed Receiver, then over time the position could become less than full time, and perhaps be transitioned to another department head. He added that the change would provide future Town Boards with opportunities to make the Town more efficient.

In response to queries from resident Ed Lobermann regarding cost savings, Councilman Berra said that over time the function could become part time; and Town Administrator Joan Goldberg said that the Town could not merge departments if there is an elected Receiver.

Resident Anthony Futia said he was he thought it was a good idea to change the position from elective to an appointive. Mr. Futia said he thought the proposition should be on the General Election ballot in November when he said there would be greater voter turnout, without the cost of a special election.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Berra, that the Public Hearing be closed at 8:48 p.m.

Councilman D'Angelo moved, seconded by Councilman Berra, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

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 Berra, the adoption of Local Law 2 of 2017 to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, subject to mandatory referendum. The Local Law follows at the end of these minutes.

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 DiGiacinto, to schedule a special election on May 23, 2017.

Town Board Minutes  
March 22, 2017

The roll call vote was as follows:

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

Noes: None

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Alison Simon, Town Clerk

Dated: April 12, 2017

**TOWN OF NORTH CASTLE**

**Local Law No. 2 for the Year 2017  
Adopted March 22, 2017**

A Local Law to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position.

Be It Enacted by the Town Board of the Town of North Castle as follows:

Section 1. The elective office of Town of North Castle Receiver of Taxes shall be abolished as of December 31, 2017.

Section 2. The appointive office of Town of North Castle Receiver of Taxes shall be created as of January 1, 2018.

Section 3. This local law is adopted pursuant to the authority granted by Section 10(1)(ii)(a)(1) of the Municipal Home Rule Law and shall supersede any provision of Town Law Section 20 which is inconsistent herewith.

Section 4. Pursuant to Section 23 of the Municipal Home Rule Law, this Local Law shall be subject to mandatory referendum.

Section 5. The invalidity of any word, section clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any part of this Local Law which can be given effect without such invalid part or parts.

Section 6. This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.