

Town Board Minutes
Town of North Castle
Hergenhan Recreation Center
40 Maple Avenue
Armonk, New York
on
September 12, 2012

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. All Town Board members and the Town Attorney were present for the executive session which closed at 7:20 p.m. The Town Clerk joined the regular meeting which reconvened at 7:35 p.m. at the Hergenhan Recreation Center, 40 Maple Avenue, Armonk.

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro
	Diane DiDonato Roth
	John J. Cronin
	Stephen D'Angelo

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

Supervisor Arden introduced two new employees: Joan Goldberg, North Castle's first Town Administrator, and Faith Berland, Town Comptroller.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the August 15, 2012 meeting.

The roll call was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

The minutes of the public hearing that commenced at 8:00 p.m. follow at the end of these minutes.

With regard to the petition from DelBello, Donnellan, et al, to amend zoning code with new residential Special Use Permit re: Brynwood Golf & Country Club, Supervisor Arden said the Board would receive the petition at tonight's meeting. Mr. Arden said the request for the Town Board to act as Lead Agency and to refer the petition to the Planning Board would be considered at the September 27, 2012 meeting.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, receipt of petition from DelBello Donnellan, Weingarten Wise & Wiederkehr, LLP, to amend zoning code with new residential Special Use Permit regarding Brynwood Golf & Country Club, 568 Bedford Road, Armonk.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

With regard to the Town obtaining a small parcel of land adjacent to 80 Business Park Drive from NYS DOT, Supervisor Arden moved, seconded by Councilman DiDonato Roth, to send a resolution to NYS DOT and to further study the potential use of the land, including additional parking for Community Park. Objections based on safety concerns, from business park property owner Ed Lashins and resident Neal Bauman, were voiced.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, Supervisor Arden

Noes: Councilman D'Angelo

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Supervisor Arden moved, seconded by Councilman Schiliro, receipt of Article 78 Proceeding and referral to legal counsel regarding Concerned Citizens of Armonk vs. the Town, Eden Enterprises, LLC, Werber Management, Inc., G.B. Northeast 2, LLC and Armonk Shopping Center, Inc. concerning approval of CVS Special Use Permit.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato moved, seconded by Councilman D'Angelo, receipt of petition for extension of Water District No. 5 regarding 4 Fox Run Road, Armonk, and further moved to schedule a public hearing on October 10, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, 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 2012 holiday season.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Jarden Westchester Triathlon to use some Town roads for its annual event on September 23, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Weaver

Noes: None

Pursuant to a letter from Tax Receiver Colombo, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to pay a Consent Judgment for Constantine Bakas, 24 Day Road, Armonk, (Sec. 2, Lot 17, Blk. 1.L) for tax years 2006 - 2012 in the amount of \$8,775.74.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Kellard Sessions Consulting regarding engineering services to complete stormwater mapping program as required by NYSDEC MS4 in the amount of \$16,240.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Pursuant to the request of Chief of Police D'Angelo, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign a five-year agreement with Fleetwood Leasing regarding analog recording equipment for a monthly fee of \$421.93.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with SCA (Software Consulting Associates, Inc.) regarding

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Property Assessment System in the amount of \$18,500 for the first year, and \$5,000 annually for maintenance and support.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato moved, seconded by Councilman D'Angelo, approval of terminal leave pay for Robert Candrea.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of worker compensation report for Police Officer, Wesley Mojica.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval for Police Officers Thomas Tallent, Kevin Finateri, Doug Gellard and Detective Patsy DeBenedictis to attend Child Passenger Safety Conference October 25-27, 2012 in Vineland, NJ.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, acknowledgement of resignation of Robert Anderson from the Beautification Committee, effective May, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Rabbi Stacy Bergman to the Ethics Board, to serve at the Pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter of resignation from Margaret Matturro, part-time hourly Intermediate Account Clerk Typist, Tax Receiver's office, effective September 7, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Lori Zawacki, to part-time hourly Intermediate Account Clerk Typist, Tax Receiver's office, and further moved Ms. Zawacki's appointments to Secretary Architectural Review Board and Secretary Zoning Board of Appeals on a per diem basis, effective September 13, 2012.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, the consensus agenda as follows:

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- a. Receipt of the Town Clerk's monthly report for August, 2012
- b. Approval of release of bonds as requested by General Foreman Norris as follows:
 - Glendale Subdivision – Permit 0720 in the amount of \$750 for curb cut at 24 Glendale Ave., Section 2, Block 13, Lot 17.-18.
 - Cablevision – Permits 0578, 1027, 1031, 1032, 1036, 1037, 1039, 1040, 1046 and 1047 for right of way work at various locations in the amount of \$7,500 to be reinstated to the \$50,000 bond.
 - Con Edison – Permits 0713, 0766, 1006 and 1021 for right of way work at various locations in the amount of \$4,500 to be reinstated to the \$65,000 bond.
- c. Receipt of \$450 donation from Byram Hills Preschool Association for the D.A.R.E. Program.
- d. Receipt of 2nd quarter ending June 30, 2012 cable TV franchise fees from:
 - Cablevision in the amounts of \$29,973 for Cablevision system and \$7,453 for the Southern Westchester system.
 - Verizon in the amount of \$23,482.25

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

In response to a request from Peter Weiller, resident of Long Pond, for the Board's assistance regarding scheduled drawdown of North Lake into Long Pond, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to authorize Town Attorney Baroni to send a communication to North Lake Association Board of Directors requesting they defer drawdown to give Town professionals time to investigate its purpose.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

The Town Board audited and approved payments totaling \$393,450.52 as indicated on Warrant #16.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:25 p.m. in memory of former resident Ralph Kuhn, resident Paula Rossi and Catherine Marie Fuss, mother of Rita Ross, employee in the Town Clerk's office.

Anne Curran, Town Clerk

Dated: September 24, 2012

PUBLIC HEARING

September 12, 2012

At 8:00 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from August 15, 2012 to consider the increase and improvement of the facilities of Water District No. 2 in the Town of North Castle, Westchester County, New York.

Sal Misiti, Asst. Supt. of Sewer and Water Department, said most residents have seen the August 15th project presentation which is available on the Town's website. Mr. Misiti said the *Water Main Project Customer Survey* was mailed from the Water Department to all residents in the district on September 10th and is due back by September 21st so results can be tabulated and presented at the next Town Board meeting. Mr. Misiti said the survey has a choice of three options with space for comments.

Supervisor Arden suggested that Windmill residents who did not receive the survey or know of someone who did not receive it to contact the Water Department.

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Stan Simon, Windmill Road, said he has major reservations about the survey which he thought was biased because the questions are worded in favor of going ahead with the options listed; and respondents are not given a choice to indicate if they are not in favor of the options. Mr. Simon said he did not think the returns will be representative of all Windmill Farm residents because mailed surveys tend to get low response rates. He recommended that residents be contacted by phone or email to complete the survey and, if response rates are low, a second mailing be done; with door to door follow up if necessary to residents who do not respond. He recommended that the Board not rush to a decision based on responses to the survey as is and that different options be reviewed.

Jan Bernstein, Evergreen Row, President of Residents of Windmill, Inc. (ROWI), said a ROWI meeting was held last week and the thought was the community is not close to making a decision. Ms. Bernstein said more information, meetings and hearings are needed and more questions need to be answered before residents consider a course of action. Supervisor Arden recommended that since the engineer was not at the hearing, that Ms. Bernstein submit their questions to Mr. Misiti.

Ira Schulman, Windmill Place, said he agreed with Mr. Simon that things are moving too quickly, and due to the major debt that would be incurred by residents, the issue of funding needs to be thoroughly analyzed to determine if alternatives to bonding, or concurrent funding, is available.

In response to a query from Jeff Garson, commercial property owner, as to who prepared the survey, Mr. Misiti said that he prepared it and it was reviewed by Town Attorney Baroni, Supervisor Arden and Planning Board Chairman Bob Greene.

In response to a query from Ben Freed, Evergreen Row, regarding definition of ACP, Mr. Misiti said it asbestos cement pipe.

Jerry Greenberg, Fox Ridge Road, who owns a water company, said he previously represented a group with another water company which needed a water system replacement. Mr. Greenberg said the takeover by a larger water company of the ailing company resulted in the system being replaced without funding or bonding, despite actual cost which greatly exceeded the estimated cost. He said he was in favor of slowing the process down and volunteered his experience.

Mario Ruggiero, Limestone Road, questioned if the Town could sell the water district. Mr. Baroni said the Town would need an opinion from the State Comptroller to find out if the asset could be sold; he said the water district could be privately operated.

In response to a query from a resident regarding how many people are affected by a water main break, Mr. Misiti said it varies depending on where the break is, and it is happening more frequently. He explained that as water rushes out of broken water main it tends to draw water out of the dead end roads, and when the break is isolated the water is restored to upper elevations.

In response to a query from Herb Jernow, Evergreen Row, if the Coman Hill Elementary School and Brynwood Golf and Country Club could be included in district and therefore pay for capital improvements, Mr. Baroni said that the boundaries could be extended and either one or both of the properties could be brought into the district and participate in capital expenditures. He said a recapture program could be established and the two properties could be charged back in time for existing capital improvements including the new water tank and new wells. In response to Mr. Jernow's query, Mr. Misiti said out of district sales are 10%.

In response to a query from Peter Weiller, Windmill Road, if the school or club would each be charged for water as one unit, Mr. Baroni explained that every residential unit would be one unit, but charges for the school and club would be based on their water sales in relation to a typical residential unit, and could pay in multiples of ten or twenty units, for example.

In response to a query from Steve Berman, Oak Ridge Court, if the school and club would continue to pay twice the water rate if they became part of the district and charged in multiple units for capital improvements, Mr. Baroni said it would be hard to charge them double the rate if they are part of the district and pay capital charges, and a formula would need to be established similar to the pattern which has been codified for commercial sewer use.

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Rich Dobbis, Spruce Hill Road, asked if the water issue and the Brynwood issue other should be considered as part of the overall picture since they affect each other.

In response to a query from Mr. Ruggiero, if Coman Hill must join the water district, Mr. Baroni said the district could be extended by either a petition from the school and/or Brynwood, or the Town Board can extend it on its own motion, if they can justify it.

Bob Greene, North Lake Road, said he reviewed six years of water usage, and Coman Hill and Brynwood combined use about 5% of all the water sold in the district, with Brynwood using a much greater amount of the two which jointly pay 10% of the district's operating costs. Mr. Greene said an analysis is needed to determine how to best address out of district customers.

In response to a query from Mr. Jernow, Mr. Misiti said the Windmill Club is a seasonal user of water which pays for its water as an in district user.

In response to a query a resident, Mr. Baroni confirmed that water revenue cannot be used for capital expenditures and explained that when the district was formed in the mid-1970s, the process was established to charge on a benefit basis, not on an assessment basis, and the State Comptroller has advised that once established, the process cannot vary.

Supervisor Arden said Windmill residents are the driving force behind the Board's decision regarding the project and asked that questions be brought forward.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, that the Public Hearing be adjourned at 8:25 p.m.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Anne Curran, Town Clerk

Dated: September 24, 2012