

Town Board Minutes  
Town of North Castle  
H.C. Crittenden School  
10 MacDonald Avenue  
Armonk, New York  
on  
September 27, 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 7:15 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 p.m. at the H. C. Crittenden Middle School, 10 MacDonald 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

Library Director Cris Ansnes assisted Supervisor Arden in the presentation of the certificates in recognition of North Castle Public Library teen volunteers and staff:

Volunteers: Alis Dicpinigaitis, Alec Guberman, Brandon Marsh, Albert Ujueta

Staff: Teen Librarian Mary Johnson and No. White Plains Branch Manager Susan Grieco were commended for mentoring and advocating on behalf of the teen volunteers.

Supervisor Arden announced that Valhalla High School Senior, Joseph Lovecchio, was recently selected as the first ConEd Award winner of the 2012-13 season. The Supervisor congratulated Joseph and his family, including his grandmother Betty Sanchirico, who works in the Town Clerk's office.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the September 12, 2012 meeting.

The roll call vote was as follows:

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

Noes: None.

The minutes of the public hearing which commenced at 7:45 p.m. follow at the end of these minutes.

With regard to the petition from to amend zoning code for residential special permit use at the Brynwood Golf & Country Club, 568 Bedford Road, Armonk, Supervisor Arden introduced Mark Weingarten, Partner, DelBello, Donnellan, et al, who presented the history of the property and the current plan to develop a mix of 88 residential units, including two, three and four bedroom residences. Mr. Weingarten emphasized the economic investment, expertise of the development team and the careful attention to unique details and the community environment.

Supervisor Arden stated that the Town has hired Special Counsel for this project and introduced Richard O'Rourke, Keane & Beane, PC, to explain the SEQR process should the Brynwood application be considered. Mr. O'Rourke emphasized that a petition for a zoning change is a legislative action and the Town Board as the legislative body can reject the application now or at any time during the review process. During scoping sessions, required for NYS environmental review, there will be several opportunities for public review and participation. The environmental considerations include economic and social impacts to the community and alternatives. The Town Board will be required to provide a rationale for its decision. Mr. O'Rourke added that there is a long legislative process that only begins tonight, should the Town Board accept the petition.

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Members of the audience spoke in favor and against the Brynwood project, including Jan Bernstein, President, and Stuart Kovensky, Vice President, Residents of Windmill, who expressed disapproval of the current plan due to the increase in density.

Mark Weingarten, Esq. clarified that the application would establish a new golf course community; it is not a request for spot zoning. The property would preserve open space as 140 acres of the property must remain open based on the condition of the special permit. They must record a restrictive covenant and they are willing to put a conservation easement on it. Mr. Weingarten emphasized that should the Town Board accept the petition, they will study the plan to develop the 88 residential units versus the 49 homes that they as of right can develop.

The Town Board expressed their positions. Councilman Schiliro and Councilman D'Angelo cited their disapproval of the petition based on density.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, to accept the petition, declare the Town Board as Lead Agency and refer the petition to the North Castle Planning Board and to Westchester County.

The roll call vote was as follows:

Ayes: Councilmen DiDonato Roth, Cronin, Supervisor Arden

Noes: Councilmen Schiliro, D'Angelo

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of Notice of Claim and referral to Town Attorney regarding Charlotte Cobbs vs. the Town and North Castle Fire Company No.1.

The roll call vote was as follows:

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

Noes: None

Authorization for the Town Attorneys to execute the Consent Judgment in the matter of Jonathan Miller vs. Town of North Castle – Index #18594/05 et al was given on the duly adopted motion of Councilman D'Angelo.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for John Granata, 11 Greenway Road, Armonk, NY 10504, Parcel I.D. 1-04-10.-395, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to issue a refund in the amount of \$1,417.03.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for Paolo Cardarelli, 19 Blair Road, Armonk, NY 10504, Parcel I.D. 2-08-13-E-33, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to issue a refund in the amount of \$723.92.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from the Receiver of Taxes Colombo regarding a Small Claim and Consent Judgment for Ralph and Susan Mack, 13 Wrights Mill Road, Armonk, NY 10504, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo approval of tax refund in the amount of \$1,357.05.

The roll call vote was as follows:

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Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden  
Noes: None

Town Clerk Anne Curran summarized an update on Communications Topics, including:

- The cable TV studio and Town Hall meeting room equipment upgrades are complete.
- The NCTV video broadcasting controller has been replaced, at a cost of \$21,000 paid for from our initial PEG grant monies received from Verizon and Cablevision. The balance of our PEG grant reserve fund is \$40,300.
- Upgrades to sound, lighting and presentation equipment in the Town Hall meeting room are complete and presenters are encouraged to display on the flat screen monitor.
- The Town website redesign is progressing and the review group has been working on website prototypes. The new website is expected to be complete by year end.
- Several new videos were produced to inform residents about Town services and community highlights. Part-time production consultant, Elise Trainor, has resigned effective 9/30/12. Elise's talent, enthusiasm and professional commitment to enhance the quality of NCTV will be missed.

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, authorization for Assessor Sirota to submit Stipulation consenting to electronic filing for 2012 Small Claims Assessment Review filings.

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, adoption of a resolution to participate in the Energize New York Pact which will extend the benefits of residential energy efficiency to residents.

Resolved, that the Town Board does hereby agree to provide the opportunity for the Town of North Castle to participate in the Energize New York program, as presented by Tom Bregman at the Town Board meeting held on August 15th, and extend the benefits of home energy efficiency to the residents of North Castle. The Sustainable North Castle Committee will act as liaison between Energize NY and the Town Board, and will work with the Energize staff on community outreach to engage local homeowners in this comprehensive energy assessment program funded through Dept. of Energy and NYSERDA grants.

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, receipt of Negative Declaration regarding zoning amendments to Nursery Business Zoning District, adopted September 24, 2012 by the Planning 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 Schiliro, acceptance of letter of resignation from Robert Tully, Assessment Board of Review, effective September 15, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden  
Noes: None

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Councilman DiDonato Roth moved, seconded by Councilman Schiliro, acceptance of letter of resignation from Elise Trainor, part time NCTV Programming Coordinator, effective September 30, 2012.

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 donation for two defibrillators for Recreation Department from Roland and Lisa Baroni, in memory of their daughter-in-law, Megan Baroni, who suddenly passed away two years ago.

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 donation of \$1,000 to Recreation Department from Byram Hills Preschool Association for preschool scholarships.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, adoption of revised 2012 NYS Standard Work Day Resolution.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, approval of release of Highway Bond as requested by General Foreman Norris to Rocco Miceli – Permit 0779 in the amount of \$500 for driveway alteration at 25 Maryland Avenue, Section 2, Block 13, Lot 35.-19; work has been completed and approved.

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 Schiliro, approval of request to place a crèche at the peninsula between North Broadway and Route 22 in North White Plains for the holiday season.

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 \$15,730,614.95 as indicated on Warrant #17.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:55 p.m. in memory of Francis McGinty and Richard Caponera, residents of North White Plains; Edward & Helen Winkler, residents of Armonk; and Alice Thomas, sister-in-law of Liz Thomas, Senior Citizens Recreation Director.

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Anne Curran, Town Clerk

Dated: October 8, 2012

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PUBLIC HEARING

September 27, 2012

At 7:45 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from September 12, 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.

An e-mail from Kerri Kazak, dated September 23, 2012, requesting that the *Water Main Project Customer Survey* deadline be extended, was marked Exhibit "I" for the record.

Supervisor Arden asked that additional questions be brought forward. Mr. Arden said there has been about a 50% of response rate to the survey to date, and the submission date will be extended until October 10, 2012. He asked residents to send their responses and include names and addresses so results can be tabulated.

Sal Misiti, Asst. Supt. of Sewer and Water Department, thanked residents for their participation in the survey, and said that survey forms, for residents who have not yet participated, can be obtained at tonight's meeting, from the Water Department, or on the Town website.

Mr. Misiti provided of brief history of the problem which he said existed when the district was formed in the 1970s and there was almost a 50% loss of water production requiring extensive work at that time to repair leaks. Over time the problem has gotten progressively worse and requires attention.

Mr. Misiti recapped comments and questions provided by residents on the survey forms:

With regard to the question whether the district could build its own well, Mr. Misiti said he thought it would be difficult for all residents to agree to do this as it is a public water supply and therefore would not have fire protection. In addition, he said there would not be enough separation between the well and all the septic systems in the district.

With regard to survey comments regarding road disrepair, Mr. Misiti said that road repairs are not related to the issue at hand. If the project were to be done, the affected roads would be repaired.

Mr. Misiti clarified that the project has not been bid yet. The engineers have provided a conservative cost estimate based on data for similar projects being done in the County, to be used as a guideline.

Mr. Misiti provided information regarding the system hydraulics in Windmill. The water supply pumps are at the lowest elevation in the system, and the water storage tank is at the highest elevation. Water level in the tank drives the pressure throughout the system. Static pressure at the hydrants exists if there is not water demand. When there is a big demand or draw on the system, such as when irrigation systems come on in the morning, the pressure drops because the water level drops and triggers the pumps to come on. The flow of water for fire flows is driven by the size of the water mains. The study determined that the majority of the mains in the Priority 1 and 2 areas are undersized to get the proper flows during peak flow conditions. With regard to the question whether the computerized system modeling study was adequate as compared to opening all the hydrants in the system, Mr. Misiti said it was not preferable to disturb a weak system by opening hydrants. He said that the new pumping system is not being used to the best of its ability to avoid the possibility of rupturing the water main when more water is forced through than the main can handle.

With regard to funding, Mr. Misiti said that the Supervisor has reviewed estimates with bond counsel of a 25 year bond at a 4% rate, but the Town could possibly obtain a better rate, and other funding would also be explored to save as much as possible. He said that the estimated annual cost of \$2,903.01 to the typical property owner includes existing capital debt, proposed capital debt, and average annual cost for water.

Mr. Misiti said a popular question is if the power lines could be buried with the new water mains. Mr. Misiti said when the Town looked into burying power lines in one small section between Bedford Road and Maple Avenue, the cost from Con Edison was estimated at one million dollars. There are over eight miles of roads in Windmill Farm. He added that is it not recommended to bury high power lines with water mains.

With regard to the question regarding whether the water system could be privatized, Town Attorney Baroni said based on information obtained from the State Comptroller's office and the Town's research, under Town Law in New York State a municipal system can only be sold to two different sources. One of which is to be sold to another municipality: the County, another town or village which Mr. Baroni said is not likely. The other way is to liquidate it to a joint operating water works system. There are two in Westchester: Westchester Joint Water Works in Southern Westchester, along the Long Island Sound communities, and the Northern Westchester Joint Water Works, principally along the Hudson River communities. Mr. Baroni said it did not seem either water works system would be interested in purchasing a non-contiguous well supply system with limited expansion capability, but said they will be contacted to make sure they are not interested in discussing it.

With regard to grant funds, Mr. Misiti said there are some programs available and it will be part of the task of the design engineer to pursue these along with Town officials. He said the Health Department programs require qualification through a point system for which the Town's water tank system did not qualify.

### **Public Comments**

Steve Buschel, Fox Ridge Court, recommended the Town determine which grant programs are available at the Federal, State and County levels before considering bonding the project. Mr. Misiti explained that the process is for the Town to agree to pursue the project, then explore all possibilities for grant money. Mr. Misiti said there is limited funding available for drinking water projects compared to those for waste water.

Stan Simon, Windmill Road, said he thought the survey is biased as residents could not indicate if there were not in favor of each of the three options. Mr. Simon recommended that a survey be conducted by an independent marketing research company. He said that a 50% response rate was not representative of residents in Windmill Farm. Mr. Misiti said the survey is being kept open to obtain more responses. He said the survey form provides the opportunity to voice concerns, ask questions and make comments in favor or not in favor of the options. In response to a query from Mr. Simon regarding whether any decisions would be made based on the survey results, Supervisor Arden said no decisions are being made at this point and all options will be considered. Mr. Simon added that Kent, Connecticut received government funding for a sewer project.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that the Public Hearing be adjourned at 8:06 p.m.

The roll call vote was as follows:

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

Noes: None.

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Anne Curran, Town Clerk

Dated: October 5, 2012