

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
February 13, 2013

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, the Town Attorney and Town Administrator 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. and the following persons were present:

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
Town Administrator	Joan Goldberg

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of the minutes of the January 23, 2013 meeting.

The roll call was as follows:

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

Noes: None.

Assistant Superintendent of Sewer and Water Misiti presented an update regarding proposed improvements to Water District No. 2 (Windmill) facilities. A survey was mailed to Windmill residents in the fall 2012 and returned by 56% of homes; including questions and comments from residents looking for more information. In response, a new survey will be mailed to homes in Water District No. 2 around March 1<sup>st</sup> with Town water bills. The results of the second survey will be addressed and provide information to move forward with the public hearing on this project.

Frank Madonna appeared before the Board to discuss his proposed project to develop multi-family buildings on his property located on Old Mount Kisco Road. Mr. Madonna said as part of the project he is proposing to connect existing homes in the area to the sewer district. The Board expressed concerns about the project regarding density, neighborhood compatibility and entrance on Route 128.

Director of Planning Adam Kaufman said when this project is sent to the Planning Board it should be with some direction as to the acceptability of the rezoning and the density. The Board may want specific input from the Planning Board about the density and the neighborhood compatibility, but ultimately when the project is sent to the Planning Board for an in depth review it should be with the understanding that the Town Board is comfortable with a certain level of density before the engineering, analysis of traffic and other site plan issues are addressed.

Supervisor Arden suggested that a joint work session of the Town Board and Planning Board be scheduled with Mr. Madonna before the Town Board officially refers the project to the Planning Board. Town Attorney Baroni explained to Mr. Madonna that the Town Board is trying to get to some comfort level with the project, and that discussion with the Planning Board in a work session rather than through a cold referral to the Planning Board was to the applicant's benefit. The Board agreed to coordinate a work session with the Planning Board in the near future.

Town Clerk Anne Curran read a letter from Association of Towns President Tim Whitesell, at his written request, regarding the Town's withdrawal of membership from the Association. Mr.

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Whitesell stated that the Association is not directly or indirectly involved in the law suit against the Town, referenced in Supervisor Arden's letter to the Association dated January 25, 2013, and that, "Mr. Geist, as Executive Director of the Association of Towns, has not sought to involve the staff or resources of the Association of Towns in this matter therefore we do not in any way believe that Mr. Geist's private lawsuit is a violation of our bylaws."

Councilman Schiliro read aloud his letter dated February 7, 2013 to Timothy Whitesell, President of The Association of Towns, and asked that it be made a part of the record.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to make final payment of \$32,288.99 to AMSTAR of Western New York, Inc. which represents the 5% of funds which were retained for rehabilitation work on Custis Avenue water storage tank.

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 to rebid to complete the Overlook tank project due to AMSTAR exceeding the duration of their contract timeframe and its prior commitments which do not enable them to complete the project.

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, to award proposal for storm damage cleanup work at Wampus Brook Park resulting from Hurricane Sandy to Rocco's Tree and Landscape Service, at a cost of \$27,500. Supervisor Arden said the cost of the work would be paid by FEMA funding.

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 proposed local law to amend Town Code regarding preparation of brush and yard waste, and further moved the scheduling of a public hearing for February 27, 2013.

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, to consider amending the Town Code to eliminate Chapter A217-2, Use of Town and District Owned Vehicles, and further moved the scheduling of a public hearing for February 27, 2013.

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 revised Town Vehicle Policy.

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 to purchase one vehicle for the Police Department. Supervisor Arden stated that the expense was within the budget.

The roll call vote was as follows:

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

Pursuant to letters from Tax Receiver Colombo regarding Consent Judgments, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to issue the following refunds:

<u>Name</u>	<u>Address</u>	<u>Parcel I.D.</u>	<u>Refund</u>
Jonathan Miller	7 Long Pond Rd/Armonk	1-04-10.-704	\$5,217.45
Pierre Thouin	49 Round House Rd/Bedford	1-12-1.-A	240.95
Amir Khan	17 Bedford/Banksville Rd/Bedford	1-12-3.G	1,604.58
Kent Babette Trust	375 Main Street/Armonk	2-11-6.-6	164.33
Charlestown Associates	4 Kaysal Court/Armonk	2-11-11.-1	1,182.97
White Plains Hospital	7 N Greenwich Rd/Armonk	2-16-13.B	2,300.35
155 Lafayette Ave Corp	155 Lafayette Ave/N White Plns	.6-09-2	3,396.14
Salvatore Finelli	77 Lafayette Ave/N White Plns	.6-09-37	1,097.06
639-641 N Broadway LLC	639-641 N Broadway/N White Plns	.7-03-16	469.59
635 N Broadway LLC	635 N Broadway/N White Plns	.7-03-17	450.80

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 Town's attorneys to execute Consent Judgments in the following matters:

- Townsend Center, LLC vs. Town of North Castle – Index No. 25213/10 et al
- 20 Virginia Road., LLC vs. Town of North Castle – Index Nos. 23157/09; 25043/10; 15124/11; 66323/12.

The roll call vote was as follows:

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

Following discussion regarding proposed scenic and historic roadways legislation, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the scheduling of a public hearing for April 10, 2013.

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, authorization for the Supervisor to sign the agreement with SCA (Software Consulting Associates) for Tax Receiver software.

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 the agreement with KVS Information Systems, Inc. for Finance Department software.

The roll call vote was as follows:

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

Based on the recommendation from the Parks and Recreation Advisory Board, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval to fund Phase 1, site investigation and schematic design, to determine the feasibility of a synthetic turf field at Community Park, and authorization for the Supervisor to sign the agreement with Milone & MacBroom, for a fee not to exceed \$8,000.

The roll call vote was as follows:

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, acceptance of letter of resignation from Susan Snyder, Superintendent of Recreation, effective March 1, 2013.

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 Lieutenant Peter Simonsen for Sargent See, Detective Sammann, and Police Officers Tallent and McCormack to attend the New York Tactical Officers Association Training in Verona, NY on April 24 and 25, 2013.

The roll call vote was as follows:

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

Pursuant to the recommendation of the Communications Committee as detailed in a memo from Town Clerk Curran, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointments of two part-time hourly workers, Alison Simon as Coordinator, Cable TV and E-Communications and Sherri Brown Francois as Production Manager, Cable TV and E-Communications.

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 DiDonato Roth, the appointment of Sofia Sanchez as Intermediate Account Clerk Typist, part-time in the Tax Receiver's office, effective February 14, 2013.

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, acceptance of letter of resignation from Police Officer Michael Neuner, effective February 21, 2013.

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, the consensus agenda as follows:

- Referral by Town Attorney to labor counsel and insurance carrier, regarding verified complaint filed with NYS Division of Human Rights, Linda DiFiore vs. Town of North Castle.
- Receipt of Town Clerk's report for January 2013.

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 \$11,733,789.36 as indicated on Warrant #3.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:08 p.m. in memory of residents Patricia Tkach and Margaret (Maggie) Porterfield; former residents Caroline Trovato and Ruth Pell; Ann DeGiacomo, former employee of Town of North Castle, and

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Jean Lander, wife of Richard Lander, former Town Historian and mother of David Lander, retired Police officer.

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Anne Curran, Town Clerk

Dated: February 26, 2013