

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, NY
on
July 27, 2016

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney and Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 7:00 p.m. on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney, Town Administrator and Town Clerk were present for the Work Session. The Work Session adjourned at 7:35 p.m. The regular meeting reconvened at 7:40 p.m. and the following persons were present:

Supervisor	Michael J. Schiliro
Councilmen:	Stephen A. D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra

Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Police Chief Peter Simonsen introduced two candidates for the position of Police Officer, Robert Mifsud and Sean McGrail, and gave a presentation on their backgrounds and credentials.

Councilman Reiter moved, seconded by Councilman DiGiacinto, the probationary appointment of Robert Mifsud as Police Officer, effective July 30, 2016.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, the probationary appointment of Sean McGrail as Police Officer, effective July 30, 2016.

Vote: Unanimous

Supervisor Schiliro administered the oath of office to Police Officers Robert Mifsud and Sean McGrail.

Supervisor Schiliro provided the Town with an update regarding the 170 Bedford Road development (Old Lumberyard/Green property) which property is owned by the developer, Michael Fareri. The Supervisor stated that the Town is not forcing Mr. Fareri to sell the property to Westchester County for affordable housing (AFFH) development. The Supervisor said Michael Fareri has three options as to what may be built on the property. He can, if he wants, sell this property to the County and they can develop affordable housing. The Supervisor said the developer has two other options which he asked for and was given support from the Town Board. One option is to build 30 market rate units and 6 AFFH units at the Lumberyard, for which he was given support a few years ago. The other option is to build 30 market rate units at the Lumberyard and move the 6 affordable units to the property he owns at 37 & 41 Maple Avenue, for which he was given support several months ago. Mr. Schiliro said that the Town Board furthered Mr. Fareri's request to move the 6 affordable units to his Maple Avenue property by scheduling public hearings which were cancelled by Mr. Fareri. The Supervisor reiterated that the choice belongs exclusively to the developer.

The minutes of the Public Hearings that commenced at 8:16 p.m. follow at the end of these minutes.

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the minutes from the July 13, 2016 meeting.

Vote: Unanimous

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Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of Brynwood Water District No. 2 application to Westchester County Department of Health for exploration of an additional water source.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the Brynwood NYS DEC Wetland Permit application for Water District No. 2.

Vote: Unanimous

Discussion was held regarding proposed amendments to the definition of a Structure with regard to tents in Chapter 355 Zoning of Town Code. Director of Planning Adam Kaufman explained that the amendment would define a tent in excess of two hundred square feet as a structure, and he added that any such tent in Town would have to meet NYS Building Code requirements which limit the installation of a tent to a period of six months in any calendar year. The local law to amend the definition would create clarifying language regarding temporary tents and would exempt temporary tents from site plan approval, minimum setback requirements, gross land coverage, gross floor area and floor area ratio calculations and off street parking requirements. It was agreed by the Town Board that tents would not be permitted in the front yard of any property.

Regarding proposed amendments to the definition of a Structure with regard to tents in Chapter 355 Zoning of Town Code, Councilman Berra moved, seconded by Councilman D'Angelo, Declaration of Intent of the Town Board to Act as Lead Agency and referral of the draft local law to the Town's Planning Board and the Westchester County Planning Board.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization to issue a Request for Proposal (RFP) seeking consulting firms to prepare a Comprehensive Plan for the Town, subject to approval by the Supervisor of the revisions to the RFP as discussed at the meeting.

Vote: Unanimous

Regarding the Wampus Mills Subdivision, 805-809 Route 128, Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of request for naming of a new town road, and referral to the Road Naming Committee.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Special Event Permit application for a Family Fun Day from White Plains Hospital Medical and Wellness in Armonk, in partnership with Equinox Gym and Burke Rehabilitation, on Saturday, October 1, 2016, with a rain date of Sunday, October 2, 2016, at 99 Business Park Drive, and further moved to schedule a Public Hearing for August 10, 2016.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of Special Event Permit application from The Haunt at Rocky Ledge to hold a Halloween special event on Fridays, Saturdays and Sundays during the month of October, and further moved to schedule a Public Hearing for August 10, 2016.

Vote: Unanimous

The request from Josh Sirota to hold a Spikeball Tournament on August 6, 2016 at Lombardi Park to benefit the Charge Syndrome Foundation was withdrawn.

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Town Attorneys to execute a Consent Judgment in the Tax Certiorari matter of Blas & Maryann Diaz vs. Town of North Castle – Index Nos. 15992/11 et al.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of a letter from Safe Flight Instrument Corp dated July 11, 2016, as per periodic reporting requirements.

Vote: Unanimous

Pursuant to a letter of recommendation from Sal Misiti, Director of Water and Sewer Operations, Councilman D'Angelo moved, seconded by Councilman Reiter, approval of Payment Application

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#5 to Kings Capital Construction Group, Inc. in the amount of \$73,131.10 regarding Water District No. 1 Ultraviolet Disinfection Project, for work completed through July 8, 2016, and further authorized the Supervisor to sign the payment application.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt and approval of a proposal, as amended, from GHD Consulting Engineers, for a Quality Assurance Plan and associated model study for NYSDEC regarding possible Sewer District No. 2 nitrogen credits relative to future treatment plan expansion efforts, for a fee not to exceed \$28,610.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Cooperating MS4 Letter of Intent regarding East of Hudson Watershed Coalition Year 6-10 Stormwater Retrofit Study.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of 2nd quarter 2016 Revenue and Expense reports and Bank Reconciliations.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign the architectural agreement with Lothrop Associates for the North Castle Community Center deck for the amended amount of \$13,240.

Vote: Unanimous

Regarding the probationary appointment of Timothy See to Police Lieutenant effective February 13, 2016, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of a salary correction.

Vote: Unanimous

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

- Receipt of 2015 financial statements from North Castle South Fire District No. 1.
- Approval of request from General Foreman Norris for release of the following highway bonds:
 - o American Building Technologies – Permit 0868 for curb cut at 79 Byram Ridge Road in the amount of \$750.
 - o Arrow Blacktop – Permit 0904 for driveway alteration at 29 North Lake Road in the amount of \$500.
 - o Cablevision – Permits 1097, 1109, 1114, 1119, 1122, 1124 and 1178 for right of way/street openings at various locations in the amount of \$7,500.

Vote: Unanimous

The Town Board audited and approved payments of \$629,566.25 as indicated on Warrant #14.

After all persons were heard who desired to be heard, the Supervisor adjourned the regular meeting at 9:14 p.m. to Executive Session. The regular meeting was adjourned in memory of the following residents: Marjorie Erf, longtime resident and member of North Castle Historical Society and Friends of the North Castle Library; Mary Case; and David Grove, longtime resident and member of the Budget and Finance Advisory Task Force.

Alison Simon, Town Clerk

Dated: August 5, 2016