

Town Board Minutes  
Regular Meeting  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
May 10, 2017

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned to a Work Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Administrator and the Town Clerk were present for the Work Session. The Work Session adjourned to an Executive Session at 6:00 p.m. All Town Board members, the Town Attorney and the Town Administrator were present for the Executive Session. The regular meeting reconvened at 7:37 p.m. and the following persons were present:

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

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

Christy Saltstein and Michele Berliner, Co-Founders of the Stayin' Alive Foundation, gave a presentation Regarding the Stayin' Alive Charity Foundation and 5K Race.

Town Wide Clean Up Day student Coordinator Malorie Lipstein gave a presentation on the results of the 2017 Town Wide Clean Up Day.

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of Town Board Minutes of the April 19, 2017 regular meeting and the April 26, 2017 special meeting.  
Vote: Unanimous

Supervisor Schiliro stated that at its April 26, 2017 Special Meeting, the Town Board authorized the Town Attorneys to commence an Article 78 Proceeding against the Commissioner of Mental Health of the State of New York, the Office of Mental Health of the State of New York, and Paradigm Treatment Centers LLC in the matter of Paradigm Treatment Centers LLC to establish a community residential facility for the mentally disabled at 14-16 Cole Drive.

Supervisor Schiliro provided an update on the Town Special Election which will be held on Tuesday, May 23, 2017 for the purpose of voting on the following proposition: *Shall the office of Receiver of Taxes in the Town of North Castle be reclassified from an elective to an appointive position effective as of January 1, 2018?* Town Clerk Alison Simon communicated the progress the Clerk's Office has made in preparation for this Special Election and included that a local Voter Registration Day was held on Tuesday, May 9, 2017, and noted that more information about the Special Election is available on the Town website.

Councilman Berra moved, seconded by Councilman DiGiacinto, receipt of a letter dated April 22, 2017, from Cox Avenue concerned neighbors regarding road safety.  
Vote: Unanimous

In regard to the Special Use Permit Application for 11 Washington Place East, North White Plains, Edward D'Amore, of D'Amore Design Studio, Architects & Planners AIA, presented an overview of the project.

In regard to the Special Use Permit Application for 11 Washington Place East, North White Plains, the Town Board took the following actions:

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of a memo from Director of Planning Adam Kaufman, and receipt of the Special Use Permit Application.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, referral of the Special Use Permit Application for 11 Washington Place East, North White Plains to the Planning Board taking into account all the considerations of Councilman Berra and Councilman DiGiacinto: drainage, fencing, landscaping, outdoor private space for residents, deficiency of 5 parking spaces, and parking lot lighting.

Vote: Unanimous

In regard to Park Place, a proposed automated parking structure at 11 New King Street, Armonk, adjacent to Westchester County Airport, Town Attorney Roland Baroni reviewed the procedural requirements. William Null, of Cuddy & Feder, attorneys for the applicant, was in attendance.

In regard to Park Place, a proposed automated parking structure at 11 New King Street, Armonk, adjacent to Westchester County Airport, Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of the following:

- Letter from Cuddy & Feder, dated April 26, 2017, regarding a request to schedule a Public Hearing for a Zoning Text Amendment to allow parking structures in the Industrial AA (IND-AA) zoning district with a special permit
- Final Supplemental Environmental Impact Statement

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, adoption of a Bond Resolution Authorizing Reconstruction and Resurfacing of Town Roads in the amount of \$4,000,000, subject to permissive referendum.

The Resolution 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 Berra moved, seconded by Councilman DiGiacinto, receipt of a memo from Kellard Sessions regarding the assignment of new street addresses on Emmalon Avenue, North White Plains as follows, and referral to the Town of North Castle E-911 Coordinator for distribution.

<u>Current Street Address</u>	<u>New Street Address</u>	<u>Section, Block, Lot (New)</u>
2 Emmalon Avenue	3 Emmalon Avenue	Section 122.12, Block 4, Lot 55
3 Emmalon Avenue	2 Emmalon Avenue	Section 122.12, Block 4, Lot 56

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of the renewal of the Irrevocable Letter of Credit regarding DiPietro Property located at 137 Bedford Banksville Road.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of a Letter of Agreement from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated 4/26/17, regarding the Planning Board Resolution, approved on April 24, 2017, regarding BTDT Properties, LLC, 18 Carolyn Place for the construction of wetland mitigation plantings, maintenance and monitoring program, wherein BTDT will deposit \$10,000 with the Town as security, subject to an agreed upon reduction schedule.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the Town of North Castle wetland permit application for Brynwood Golf and Country Club to conduct exploratory drilling of test Wells in Water District No. 2, Windmill Farms.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval to issue a license to City Carting to collect and dispose of refuse in Town through March 31, 2018.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, receipt of a Notification from Flik International Corp., 20 Old Post Road, Armonk for a new On-Premises Hotel Liquor License amended to include Thompson Hospitality Services LLC.

Town Board Minutes  
May 10, 2017

Vote: Unanimous

Pursuant to a letter from Tax Receiver Patricia Colombo regarding a Consent Order for United Rentals/Sigma, LLC, 11 and 13 Washington Avenue E. North White Plains, for tax years 2013 through 2017 Councilman Reiter moved, seconded by Councilman DiGiacinto, approval to issue a refund of \$11,202.88.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request for use of the Wampus Brook Park Gazebo for a wedding ceremony on July 24, 2017.

Vote: Unanimous

Councilman moved DiGiacinto, seconded by Councilman Reiter, approval to bid the North White Plains Community Center Generator Installation.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign CSEA Unit I contract.

Vote: Unanimous

In regard to two agreements with IBM for Reserve Sewer Capacity, Edward Nolan, of Windels Marx Lane & Mittendorf, LLP, attorneys for IBM, provided an overview of the two agreements.

In regard to two agreements with IBM for Reserve Sewer Capacity, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, adoption of the Negative Declaration; and further moved authorization for the Supervisor to sign the following two agreements:

- Amended and Restated Agreement with Respect to Reserve Capacity and Sewer Charges on Lots A-3 and B-1
- Agreement with Respect to Allocation of Reserve Sewer Capacity for Lot A-4

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the Access, Easement and Maintenance Agreement with Westmoreland Sanctuary, Inc.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization of letter of agreement regarding provision of the financial advisory services by Environmental Capital LLC ("EC") in conjunction with the Town's 2017 Bond Issue.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, the probationary appointment of Jeffrey A. Delfini as Police Officer, effective May 13, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, the probationary appointment of Police Officer Jackson Sewitt, effective May 13, 2017,

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra authorization to hire the following part time workers for the Town's Special Election: Sharon Tomback and Anne Curran.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto authorization of Termination of Employee No. 3560 for Probationary failure, effective May 5, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of terminal leave payment for Rafael Lizardi.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, appointment of Craig Benedict to the Conservation Board for a two year term to expire on May 10, 2019.

Town Board Minutes  
May 10, 2017

Vote: Unanimous

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

- Approval of the request from General Foreman Norris for release of the following highway bonds:
  - o Con Edison Permits 1230, 1234, 1244, 1245, 1263 and 1273 for street openings at various locations in the amount of \$6,335;
  - o Gideon Hirschman Permit 0930 for driveway alteration in the amount of \$500.
- Receipt of 2016 audit and financial statements North Castle Fire District South No. 1.
- Receipt of Town Clerk's Monthly Report: April 2017.
- Notification from David Chen's: Renewal of Liquor License.
- Receipt of Article 78 Proceeding: In the Matter of the Application of Michael Fareri and 154 Bedford Road LLC Petitioners against Town of North Castle, NY and Town of North Castle Town Board, and Referral to the Town Attorneys.

Vote: Unanimous

The Town Board audited and approved payments of \$493,506.92 as indicated on Warrant #9 dated May 10, 2017.

After all persons were heard who desired to be heard, the Supervisor adjourned the regular meeting at 10:09 p.m. in memory of Donald J. Guarnieri, a North White Plains resident and former Housing Board member. The Board reconvened to Executive Session which closed at 10:55 p.m.

---

Alison Simon, Town Clerk

Dated: May 19, 2017

**BOND RESOLUTION  
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at Town Hall, 15 Bedford Road, in Armonk, New York, in North Castle, New York, on the 10th day of May, 2017, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Michael Schiliro, and upon roll being called, the following were

PRESENT:

Michael Schiliro, Supervisor  
Stephen D'Angelo, Councilman  
Barbara DiGiacinto, Councilman  
Barry Reiter, Councilman  
José Berra, Councilman  
Alison Simon, Town Clerk  
Roland A. Baroni, Town Attorney  
Joan Goldberg, Town Administrator

ABSENT:     None

The following resolution was offered by Councilman Reiter, who moved its adoption, seconded by Councilman Berra, to-wit:

BOND RESOLUTION DATED MAY 10, 2017.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF TOWN ROADS IN AND FOR THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,000,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF NOT EXCEEDING \$4,000,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1.     The reconstruction and resurfacing of town roads in and for the Town of North Castle, Westchester County, New York, including sidewalks, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$4,000,000.

Section 2.     **SEQR DETERMINATION:** It is hereby determined that the aforesaid purposes constitute Type II Actions under the regulations of the State of New York promulgated

pursuant to the State Environmental Quality Review Act which, as such, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$4,000,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 5. The faith and credit of said Town of North Castle, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Michael Schiliro	VOTING Aye
Stephen D'Angelo	VOTING Aye
Barbara DiGiacinto	VOTING Aye
Barry Reiter	VOTING Aye
José Berra	VOTING Aye

The resolution was thereupon declared duly adopted.

\* \* \* \* \*