

Town Board Minutes
Town of North Castle
Whippoorwill Hall
19 Whippoorwill Road East
Armonk, New York
on
October 9, 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. Four Town Board members (Diane DiDonato Roth did not attend), the Town Attorney and Town Administrator were present for the executive session which closed at 7:10 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 p.m. at Whippoorwill Hall 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

Supervisor Arden stated that he was going to deviate from the Agenda and asked the Town Board to join him in referring to the Board of Ethics the Brynwood use of a PAC and the alleged influence on Town Board members. Discussion about the terms of the referral and the composition Board of Ethics and the motion to refer the matter is included in the following Resolution:

Be it resolved, at the October 9, 2013 Town Board meeting, Supervisor Howard Arden asked the Town Board to join him in referring to the Board of Ethics the Brynwood use of a PAC (campaign expenditures of \$78,000 from Brynwood Partners to Committee for a Better North Castle) and the alleged influence on Town Board members.

Town Attorney Roland Baroni explained that the referral to the Board of Ethics would authorize its review of the alleged impact of campaign expenditures made by Brynwood Partners to Committee for a Better North Castle on three Town Board Members:

Howard Arden, John Cronin and Diane DiDonato Roth

Be it further resolved, that the Town Attorney specified that the review by the Board of Ethics would include actions by and possible benefit to each of the three Town Board members, per Town code, with an advisory opinion if the three Town Board members benefited from the Brynwood expenditures by way of a gift, transaction or political advantage,

And further, Town Attorney Baroni stated that there is one vacant seat, and of the four current members of the Board of Ethics, there is a minor infraction to the complement of the Board in that there are three registered Democrats,

And further, it was noted that the three Town Board members under review do not object to the composition of the current Board of Ethics and the Town Board will seek to appoint a fifth member who will not be a registered Democrat.

Councilman Cronin moved, seconded by Councilman DiDonato Roth, referral of the above matter to the Board of Ethics.

The roll call vote was as follows:

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

Noes: None

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Alan Douglas, Con Edison field representative, provided an update on the tree cutting program and storm protection improvements. Several residents asked questions and stated comments to the Board.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the September 25, 2013 meeting.

The roll call vote was as follows:

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

*The following item was removed from the Agenda:
Brynwood Petition: modifications to plan.*

Regarding the Madonna property on Old Mount Kisco Road, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, receipt of the Amended Petition to extend Sewer District No. 2, and the Petition to extend Water District No. 4, and further moved authorization for the Town Attorney to prepare Orders calling for the Public Hearings on November 6, 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 Director of Water and Sewer Operations Misiti to authorize payment No. 1 of \$28,452.50 to Eventus Construction Company, Inc. regarding Water District No. 4 Groundwater Rule 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 D'Angelo, approval for the Supervisor to make the budget transfers that follow at the end of these minutes as requested by Comptroller Berland.

The roll call vote was as follows:

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

*The following item was removed from the Agenda:
Consider the formation of a Water District No. 2 Sub-Committee to discuss improvements with Brynwood; designate Town Attorney Baroni as Town Board Liaison.*

The applicants' attorney requested that the following matter be postponed until the next meeting on October 23, 2013: The proposal on behalf of Vito and Robin Errico regarding the exchange of property on Byram Lake Road (60+ acres) for Town owned parcel (1 acre) on Old Route 22 with a zone text amendment proposal to change the parcel's zoning classification from the R-10 Zoning District to the RB Zoning District was tabled, on the duly adopted motion of Supervisor Arden.

A letter from North Castle Open Space Committee, dated October 4, 2013, regarding tree cutting by Con Edison on Armonk Loop was received on the duly adopted motion of Supervisor Arden. During the Con Edison update on the tree cutting program, Kerri Kazak, Chair of the Open Space Committee, reiterated several recommendations from the letter:

- achieving a balance and following the correct process with regard to removal of trees
- providing information regarding planned tree removal to the public
- hiring of an arborist by the Town Board to guide and advise throughout the process
- recommending that the Town Board hold work sessions to include all relevant Town boards and committees in the process

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Councilman Schiliro moved, seconded by Councilman DiDonato Roth, approval of Filming License Application for White Label Product/Revlon at 161 Hickory Kingdom Road on October 13 and October 15, 2013, subject to Police Department review, and acceptance of Certificates of Insurance and fees.

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 Kellard Sessions Consulting, P.C. to prepare feasibility studies to examine requirements to construct a field, parking area and vehicular access at Strauss Park and at the Johnston Tract parcels, for a total cost not to exceed \$10,000.

Subsequent to the meeting, it was recommended that the Johnston Tract feasibility study be postponed. The Supervisor signed the agreement to proceed with the Strauss Park feasibility study at a cost of \$5,000.

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, authorization for the Town Administrator Goldberg to request proposals for landscaping in Wampus Brook Park-South.

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 of a \$5,000 stipend for Matt Trainor as Acting Recreation Superintendent, effective October 1, 2013.

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 D'Angelo, ratification of the following seasonal hires in the Highway Department:

1. Bryan Esquivel, effective September 23, 2013
2. Michael Procopis, effective October 7, 2013

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 D'Angelo, the consensus agenda as follows:

- Receipt of Town Clerk's monthly report for September, 2013.
- Receipt of performance bond from G.B. Northeast 2, LLC, regarding CVS property at 450 Main Street, Armonk.
- Receipt of Verizon franchise fee payment of \$27,086.67 for first quarter 2013.
- Receipt of address change notification for 17 Maple Avenue as follows:
 - o DeCicco's Armonk (Food Store) 17 Maple Avenue, Store #A
 - o Fortina Restaurant (Restaurant) 17 Maple Avenue, Store #B
- Estimate from Rutherford & Christie LLP of \$3,200 in legal fees for PERB hearing re: Linda DiFiore complaint.

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 \$19,936,184.79 as indicated on

Warrant #18.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:30 p.m. in memory of William Glassman, a former Town camp director.

Anne Curran, Town Clerk

Dated: October 21, 2013

Budget Transfers Oct 9, 2013

General Fund from:

General Fund to:

A.1420.0470.0014	Cont Legal	(15,000.00)	A.1420.0432	Cont Prof Svc	15,000.00
A.1440.0434	Cont Other	(3,000.00)	A.1440.0434.0009	Inspect Fees	3,000.00
A.1480.0432	Cont Prof Svc	(500.00)	A.1480.0411	Supplies	500.00
A.1620.0434.0013	Cont Maint	(800.00)	A.1620.0411	Supplies	800.00
A.1620.0452	Electric/Gas	(200.00)	A.1620.0451.0101	Water	200.00
A.1620.0452	Electric/Gas	(350.00)	A.1620.0492	Vehicle Repair	350.00
A.1620.0840	Health Insur	(1,749.00)	A.1680.0211	Computer Hardware	1,749.00
A.7110.0850	Dental	(9,000.00)	A.7020.0850	Dental	9,000.00
A.7110.0110	Salary	(5,000.00)	A.7110.0411	Supplies	5,000.00
A.7020.0110	Salary	(1,400.00)	A.7141.0130	Overtime	1,400.00

Highway from:

Highway to:

DA.5140.0110	Salary	(10,825.00)	DA.5110.0110	Salaries	10,825.00
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Library from:

Library to:

L.7410.0410.0012.0002	Books	(2,000.00)	L.7410.0415.0012.0005	Other serials	2,000.00
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SW4 Increase:

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SW4.1000.8021	Appropriated Fund Balance	25,000.00	SW4.8310.0432	Cont Prof Svc	25,000.00
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