

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
February 13, 2019

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 the Interim Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:45 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:47 p.m. and the following persons were present:

Present: Supervisor: Michael Schiliro  
Councilman: Stephen D'Angelo  
Councilman: Barbara DiGiacinto  
Councilman: Barry Reiter  
Councilman: José Berra  
Town Clerk: Alison Simon  
Town Attorney: Roland A. Baroni  
Interim Town Administrator: Patti Dwyer

A Public Hearing was held to consider a Local Law establishing regulations pertaining to the sale of E-cigarettes in the Town of North Castle.

A Public Hearing was held to consider a Local Law establishing regulations pertaining to the sale of Marijuana in the Town of North Castle.

The minutes of the Public Hearings which began at 8:02 p.m. follow at the end of these minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of Town Board Minutes: January 23, 2019.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Superintendent of Recreation and Parks Matt Trainor to purchase a Toro Sand Pro machine and attachments from Turf Products through NYS Contract Group, at a cost of \$30,918.72 as accounted for in the 2019 Parks Operating Budget.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Superintendent of Recreation and Parks Matt Trainor to purchase a new Ford F250 Pickup Truck through Westchester County Contract, at a cost of \$44,115.25 as accounted for in the 2019 Parks Operating Budget.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barry Reiter, receipt of recommendation from Parks and Recreation Advisory Board and approval of purchase of restroom facility at IBM Community Park, through the Sourcewell NJPA Contract, at an expected cost of \$166,633 which includes installation, to be paid from Recreation Subdivision fees.

Vote- Unanimous

In regard to the Zoning Petition of Brynwood Partners LLC, the owners of Brynwood Golf & Country Club, Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto receipt of the following: response from County Planning Board, dated January 18, 2019; positive recommendation from the Planning Board, dated January 29, 2019; and the proposed Local Law; and further moved the scheduling of a Public Hearing on February 27, 2019.

Vote- Unanimous

In regard to the Fourth Revised Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, receipt of Amendment to Zoning Petition and Local Law, dated December 17, 2018, and letter from Architectural Review Board, dated January 22, 2019.

Vote- Unanimous

In regard to the Fourth Revised Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery, Town Attorney Roland Baroni advised that an amendment to the Comprehensive Plan as it pertains to the Nursery Business (NB) Zoning District is required. The Town Board directed Director of Planning Adam Kaufman to prepare a draft amendment to the Comprehensive Plan.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barry Reiter, the scheduling of a Public Hearing on the draft amendment to the Comprehensive Plan as it pertains to the Nursery Business (NB) Zoning District on February 27, 2019.

The roll call vote was as follows:

Ayes: Councilman: Stephen D'Angelo, Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Supervisor: Michael Schiliro.

Noes: None

Abstained: Councilman: José Berra

In regard to 850 North Broadway (Ralph's Ices), North White Plains, Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of report from Kellard Sessions and approval of extension of Performance Bond to March 13, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of the following regarding the North Castle Town Hall Annex Parking Expansion: receipt of Full Environmental Assessment Form (EAF) Parts 2 and 3; adoption of Negative Declaration; and authorization for the Highway Department to commence work.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval to reject bids for Cleaning Services of Town Buildings and approval to rebid.

Vote- Unanimous

Consideration of Lothrop Associates LLP plans and specifications for the North White Plains Community Center Renovation and Expansion Project was tabled.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of the following regarding the North Castle Public Library Children's Room Expansion Project, Armonk Branch: Approval of change order from Lothrop Associates LLP for additional engineering services for a fee of \$4,000; and permission to bid the project.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of the following regarding Epstein's Pond, Armonk: Receipt of memo from Conservation Board, dated January 24, 2019; and authorization for Town Engineer Kellard Sessions Consulting to request proposals for an ecology study and development of a long-term rehabilitation plan.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of payment requisition No. 2 to Peter J. Landi, Inc. in the amount of \$47,214.14, for work done regarding Whippoowill Crossing Culvert.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorize the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: 868 North Broadway, LLC vs. Town of North Castle – Index Nos. 64851/12 et al.

Vote- Unanimous

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Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, receipt of Notice of Cancellation of performance bond for relocation of utility pole for CVS Albany, LLC.  
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Highway General Foreman Jamie Norris to purchase two Ford F250 4 x 4s from Westchester County Contract at a cost of \$31,191.25 per vehicle, as accounted for in the Highway Budget.  
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Petition of Assessor Victoria Sirota regarding apportionment and corrections to the 2019 Assessment and 2020 Tax Rolls as it relates to Scott Kurnit Subdivision, 78 Mianus River Road and Mianus River Road.  
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of Film Permit Application from Universal Television LLC to film at the Kitchen and Bath Source, 50 Virginia Road, on February 20, 2019.  
Vote- Unanimous  
Note: Filming took place on February 21, 2019.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, authorization for the Supervisor to execute a Water Main Easement Agreement to the Town over 3 Frog Rock Road with C. Ronald Sturz and Barbara A. Sturz.  
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, authorization for the Supervisor to sign the Hydrant Use Agreement between Water District No. 1 of the Town of North Castle and North Castle South Fire District No. 1.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barry Reiter, receipt of letter of resignation from Matt Trainor, Superintendent of Recreation and Parks, effective February 15, 2019.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of 2018 Vacation Day Payout for Highway General Foreman Jamie Norris and authorized the Town Board to consider future requests for exceptions to the Paid Time Off Policy on a case by case basis, but not to exceed 40 hours per fiscal year.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of letter of resignation from Nicola Bueti, Parks and Recreation Department, effective February 17, 2019.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of probationary appointment of Nicola Bueti to Laborer, Highway Department, effective February 18, 2019.  
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, authorization for the Director of Finance to pay the revised minimum wage to all eligible employees whenever New York State minimum wage changes occur.  
Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of the Consensus Agenda as follows:

- Town Clerks Report: January 2019.
- Release of Highway Bonds:
  - Genke Painting – Permit 1023 for driveway alteration at 47 Whippoorwill Road East in the amount of \$1,000.
  - Guisti Solutions, Inc – Permit 1018 for driveway alteration at 24 Nethermont Avenue in the amount of \$500.
- Receipt of Summons and Verified Complaint in the matter of Lee Ann Gizzi-Davis vs. Town of North Castle, Michael Cromwell, Thomas Baroni, John Kellard, and Kellard Sessions Consulting, P.C.

Vote- Unanimous

The Town Board audited and approved payments of \$ 922,140.79 as indicated on Warrant #3 2019 activity and \$ 169,516.99 as indicated on Warrant #3A 2018 activity dated February 13, 2019.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 9:44 p.m. in memory of Town residents Edward J. Collins, Robert W. Buck, and John P. Annicelli.

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Alison Simon, Town Clerk

Dated: February 22, 2019