

Town Board Minutes  
Town of North Castle  
Town Hall  
15 Bedford Road  
Armonk, New York  
on  
December 11, 2013

The meeting was called to order at 5:00 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 7:30 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 D'Angelo, the probationary appointment of Anthony Sabatella as Police Officer, effective December 21, 2013.

The roll call vote was as follows:

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

Noes: None

Councilman Cronin moved, seconded by Councilman DiDonato Roth, the probationary appointment of Kyle McCarrick as Police Officer, effective December 21, 2013.

The roll call vote was as follows:

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

Noes: None

Supervisor Arden presided over the Swearing In of both Police Officers.

Councilman D'Angelo moved, seconded by Councilman Cronin, approval of the minutes of the November 20, 2013 meeting.

The roll call vote was as follows:

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

Noes: None

The minutes of the Public Hearings that commenced at 7:50 p.m. follow at the end of these minutes.

Councilman D'Angelo moved, seconded by Councilman Schiliro, approval of change order for Gentile Construction Corp. regarding tree and brush removal at Wampus Brook Park - South. The change order eliminates Phase 2 (deduct of \$6,800) and Phase 3 (deduct of \$29,000) from the original agreement.

The roll call vote was as follows:

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

Noes: None

Regarding the tree and brush removal at Wampus Brook Park South, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization of payment of Phase 1 to Gentile Construction Corp. in the amount of \$28,300.

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 DiDonato Roth, the following Resolution authorizing the execution of NYS DOT Use and Occupancy Permit for Wampus Brook Park-South.

### **R E S O L U T I O N**

**Action:** **Resolution Authorizing the Execution of NYSDOT Use & Occupancy Permit #82403 – NYS Route 22 North at Maple Avenue**

**Date of Approval:** December 11, 2013

WHEREAS, the Town of North Castle submitted a Use and Occupancy permit request to the New York State Department of Transportation (#82403); and

WHEREAS, the Town of North Castle is seeking temporary permission from the NYSDOT for the establishment of a park and the subsequent removal of trees and brush along Wampus Brook, the planting of trees and the stabilization of slopes within the Brook on land part of the NYS Route 22 right-of-way; and

WHEREAS, the Town of North Castle is also currently pursuing a request (Request # 1309, Surplus Case File # 08-III-8202) to acquire 20,600± s.f. of State-owned land on the east side of Maple Avenue at the Intersection of NYS Route 22, which is a portion of Map 41, Parcel 53 acquired by the State on December 28, 1966, for the construction of an expanded park within Wampus Brook Park; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the execution of NYSDOT Use & Occupancy Permit #82403 – NYS Route 22 North at Maple Avenue.

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 payment of \$8,333 to Signs Ink for materials purchased regarding restoration of Eagle. This payment represents one-third of the entire agreement for replacement of the Eagle.

The roll call vote was as follows:

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

Pursuant to a memo from Sal Misiti regarding a formula to implement a buy-in for properties petitioning Sewer District inclusion, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to schedule a public hearing in February, 2014.

The roll call vote was as follows:

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

Councilman Cronin moved, seconded by Councilman DiDonato Roth, receipt of \$30,000 contribution from Frank Madonna, Jr. regarding the Cox Avenue extension of Sewer District No. 2, as prescribed in the excerpt from the Resolution concerning this matter, adopted on June 11, 2013:

*RESOLVED AND DETERMINED, that the extension of Sewer District No. 2 as proposed in said petition be approved; that such District be designated as Sewer District No. 2 Extension-Area "95-101 Cox Avenue Sewer Extension"; that the improvements to be constructed therein mentioned be constructed at the sole cost and expense of the applicant, including reimbursement of the town's legal and engineering fees and a contribution of Thirty Thousand (\$30,000.) Dollars, and such extension be bounded and described as set forth in Schedule A attached hereto; said property also*

*being known and designated as Section 2, Block 12, Lots 4-K, 4-O, 4-E & 4-E02 on the tax assessment map of the Town of North Castle;*

The roll call vote was as follows:

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

Noes: None

Councilman Cronin moved, seconded by Supervisor Arden, the following Resolution to rescind the referral to Board of Ethics the matter of Brynwood Partners PAC contribution and alleged influence on Town Board members.

### **RESOLUTION**

**To rescind the referral of Brynwood Partners PAC contribution and alleged influence on Town Board members to Board of Ethics.**

Resolved, that the resolution of the Town Board adopted on October 9, 2013 referring the matter of the Brynwood Partners PAC contribution to the North Castle Board of Ethics is hereby rescinded for the following reasons:

1. The North Castle Board of Ethics has not been able to consider the matter due to three of its members being active members of the Brynwood Club and no corresponding Board of Ethics in any nearby community has jurisdiction to consider a matter outside its boundaries, and
2. The matter has been rendered largely moot as the three Town Board members under review are not continuing in office beyond 12/31/13 and no Town Board actions relative to the Brynwood application are contemplated to occur until 2014.

The roll call vote was as follows:

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

Noes: None

Councilman Cronin excused himself from the meeting at 10:50 p.m.

Town Justice Elyse Lazansky asked the Town Board to consider a sketch to reconfigure the Town Hall court/meeting room. Town Attorney Baroni said that text describing the work to be performed must be developed for a Request for Proposals (RFP), so that bids can be received and reviewed. Councilman Schiliro suggested that Judge Lazansky meet with all interested parties who used the room and come back to the new Town Board in 2014 to discuss next steps. Ms. Lazansky said it was likely that the trial scheduled for the North Castle Court in January would be moved to another location based on the court room size and security concerns.

Pursuant to Planning Board recommendations regarding Armonk Square bonds, Councilman D'Angelo moved, seconded by Councilman Schiliro, the following:

- Release of the Infrastructure Bond in the full amount of \$225,000
- Reduction of the Sidewalk Bond with a present value of \$350,000 and posting of a new bond in the amount of \$29,800

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of request from Administrator Goldberg to go out to bid for Cleaning Services of Town buildings and further moved to retain Shining Shield on a month-to-month basis until bid is awarded.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Town Board Minutes  
December 11, 2013

Councilman Schiliro 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, D'Angelo, Supervisor Arden

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the award of bid for Refuse and Recyclables Collection/Transfer and Disposal to Sani-Pro for 2014-2015, with three additional option years.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman Schiliro, the award of bid for 2014 Methanol supply to Slack Chemical and authorization for Supervisor to sign the agreement.

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

Noes: None

Absent: Councilman Cronin

The request to award bid for computer and networking equipment (server upgrade project) to Sullivan Data Management, the sole bidder, was tabled at the request of Supervisor Arden.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the award of bid for uniforms to Varsity Army & Navy, the sole bidder, for a total cost of \$6,056.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Consideration to renew the 2014 agreement for street light maintenance to Affordable Lighting was approved on the duly adopted motion of Councilman D'Angelo, contingent upon receipt of appropriate insurance.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, the award of bid for replacement of Town Hall Annex roof to A.R.M. Roofing, the lowest bidder, for a cost of \$70,350 and further moved authorization for the Supervisor to sign the agreement.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Pursuant to a letter from Kellard Sessions Consulting, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization to pay \$92,815.16 for Requisition #14 to Bilotta Construction Corp. for work completed to repair town roadways through the period ending October 23, 2013.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Pursuant to a letter from Kellard Sessions Consulting, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, authorization to pay \$120,043.07 for Requisition #15 to Bilotta Construction Corp. which represents Acceptance of Guarantee Bond and release of full retainage for work to repair town roadways completed through the period ending October 23, 2013.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of Lowland Film Company request to film at 161 Hickory Kingdom Road, Bedford for 15 days during the time period of December 18, 2013 and January 5, 2014.

*Subsequent to the meeting, the time period of the filming changed due to weather conditions.*

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign 2014 information technology and network support contracts with Sullivan Data Management as follows:

- Town Hall, Annex and Recreation in the amount of \$33,038
- Police Department in the amount of \$13,600

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign annual KVS software agreement for 2014.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign traffic signal agreement with Verde Electric Maintenance for 2014 for a base cost of \$1,800.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign agreement with North East Westchester Special Recreation, Inc. for 2014 at a cost of \$6,501.48, which represents a decreased cost from years 2012 and 2013.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the supervisor to sign the agreement with SPCA of Westchester for 2014.

Town Board Minutes  
December 11, 2013

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Supervisor Arden moved, seconded by Councilman D'Angelo, approval of the following requests to carry over 2013 vacation days to 2014:

- John Madera - 5 days
- Donna Daley - 2.78 days
- Sauro DiVitto – 10 days

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of change to the 2013 Health Care Flexible Spending Account, which provides for a carryover of up to \$500 of any remaining/unused funds in a health care flexible spending account into the 2014 plan year.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, the appointment of Andrea Shayegani to the Beautification Committee (Banksville) to serve at the pleasure of the Board.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman Schiliro, approval of requests from the following Highway workers to be paid for one week of 2013 vacation time:

- Scott Benedict
- Matt Harisch

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of request from Officer Scherf to attend Basic DARE training in Montour Falls, NY from January 19-31, 2014.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman Schiliro moved, seconded by Supervisor Arden, receipt of notice of resignation of Vito Errico, Parks and Recreation Board.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, the appointment of Patrick McCarthy to Parks & Recreation Board to fill the unexpired term of Vito Errico.

Town Board Minutes  
December 11, 2013

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, D’Angelo, Supervisor Arden

Noes: None

Absent: Councilman Cronin

Consideration to re-appoint Dan Zenkel to the Parks & Recreation Board for a term to expire December 31, 2016 was tabled for review with all other volunteer appointments by the new Town Board in 2014.

Councilman Schiliro moved, seconded by Councilman D’Angelo, the consensus agenda as follows:

- Receipt of Town Clerk’s monthly report for November, 2013
- Approval of request from General Foreman Norris for release of Highway bonds as follows:
  - o Nils Lunde – Permit 0774 in the amount of \$500 for driveway alteration at 23 Maryland Ave., Sec. 2, Block 13, Lot 35.-20.
  - o Stan Berman – Permit 0814 in the amount of \$500 for driveway alteration at 6 Pond Lane, Section 1, Block 04, Lot 10.-46.
  - o Authorization for the release of \$500 cash bond to Marc Mancini regarding Halloween special event.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, D’Angelo, Supervisor Arden

Noes: None

Absent: Councilman Cronin

The Town Board audited and approved payments totaling \$3,681,129.77 as indicated on Warrant #22.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 11:55 p.m.

---

Anne Curran, Town Clerk

**Budget Transfers Dec 11, 2013**

**General Fund from:**

**General Fund to:**

A.1110.0120	Part time	(650)	A.1620.0411	Supplies	650
A.1110.0120	Part time	(3,737)	A.1110.0211	Equip Office	3,737
A.7020.0110	Salaries	(1,500)	A.7141.0433	Rec Programs	1,500
A.7020.0110	Salaries	(250)	A.7140.0433	Cont Rec Programs	250
A.1355.0411	Supplies	(240)	A.1355.0491	Vehicle Expense	240
A.1110.0120	Part time	(1,000)	A.1110.0411	Supplies	1,000
A.1110.0120	Part time	(300)	A.1110.0432	Cont Prof Svc Workers	300
A.1110.0120	Part time	(7)	A.1110.0830	Comp	7
A.1110.0120	Part time	(100)	A.1110.0870	Disability Ins	100
A.8020.0432	Cont Prof Svc	(5,000)	A.1440.0434.0009	Inspection Fees	5,000

Town Board Minutes  
December 11, 2013

A.1410.0432	Cont Prof Svc	(2,000)	A.1460.0432	Cont Prof Svc	2,000
A.1410.0441	Prof Ed & Seminars	(800)	A.1410.0411	Supplies	800
A.1480.0441	Prof Ed & Seminars	(600)	A.1480.0411	Supplies	600
A.1620.0434.0013	Cont Maint	(200)	A.1620.0491	Vehicle fuel	200
A.7020.0810	NYS Retirement	(18,000)	A.3120.0810	NYS Retirement	18,000
A.3020.0810	NYS Retirement	(6,000)	A.3120.0810	NYS Retirement	6,000
A.7110.0810	NYS Retirement	(2,991)	A.3120.0810	NYS Retirement	2,991
A.3310.0411	Supplies	(1,420)	A.3310.0452	Electric & Gas	1,420
A.3510.0492	Vehicle Repair	(178)	A.3510.0491	Vehicle fuel	178
A.3620.0432	Cont Prof Svc	(3,000)	A.3620.0120	Part Time	3,000
A.7110.0212	Equip New Vehicles	(3,000)	A.7110.0120	Part Time	3,000
A.7110.0212	Equip New Vehicles	(500)	A.7110.0431	Cont. Equip Repair	500
A.7110.0212	Equip New Vehicles	(1,300)	A.7110.0432	Cont. Prof Svc	1,300
A.7110.0212	Equip New Vehicles	(2,100)	A.7111.0432	Cont. Prof Svc	2,100
A.8160.0434.0019	Refuse Disposal	(320)	A.8160.0130	Part Time	320
A.7110.0212	Equip New Vehicles	(200)	A.9000.0812	Personnel Fees	200
<b>Highway Fund From:</b>			<b>Highway Fund To:</b>		
DA.5110.0110	Salary	(979)	DA.5110.0130	Overtime	979
DA.5130.0110	Salary	(75,000)	DA.5112.0206	Paving	75,000
DA.5140.0110	Salary	(21,795)	DA.5112.0206	Paving	21,795
DA.5140.0110	Salary	(1,570)	DA.1440.0434.0010	Cont Other - Road	1,570
<b>Sewer &amp; Water From:</b>			<b>Sewer &amp; Water To:</b>		
S1B.8120.0401	Judgements & Claims	(146)	S1B.1930.0400	Tax Refund	146
S1B.8120.0431	Cont. Equip	(40)	S1B.1930.0400	Tax Refund	40
SS2.1930.0401	Judgements & Claims	(137)	SS2.1930.0400	Tax Refund	137
SS2.8130.0411	Supplies	(478)	SS2.8130.0212	Vehicles	478
SS2.8130.0411	Supplies	(411)	SS2.8130.0451	Telephone	411
SS2.8130.0492	Vehicle Repairs	(30)	SS2.8130.0460	Legal Notices	30
SS2.9060.0840	Health Insurance	(3,085)	SS2.9010.0810	NYS Retirement	3,085

Town Board Minutes  
December 11, 2013

SS3.8120.0411	Supplies	(31)	SS3.8120.0212	Equip New Vehicle	31
SS4.8120.0411	Supplies	(10)	SS4.8120.0212	Equip New Vehicle	10
SW1.8320.0453	Heat/Fuel	(2,300)	SW1.8310.0453	Heat/Fuel	2,300
SW2.8310.0411	Supplies	(160)	SW2.8310.0451	Telephone	160
SW2.9060.0840	Health Insurance	(451)	SW2.9010.0810	NYS Retirement	451
SW4.9060.0840	Health Insurance	(558)	SW4.9010.0810	NYS Retirement	558
SW6.8320.0451.01	Telephone	(200)	SW6.1930.0400	Tax Refunds	200

PUBLIC HEARING  
December 11, 2013

At 7:50 p.m., Supervisor Arden reconvened the Public Hearing which was adjourned on November 20, 2013 to consider the 2014 Preliminary Town and Special District Budgets.

The following correspondence was received since the November 20, 2013 public hearing.

Two documents with modifications to the 2014 Preliminary Budget proposed by Supervisor Arden were received on December 9, 2013 and December 11, 2013 and were marked Exhibits “E” and “F” for the record.

Correspondence from Barry Malvin, dated December 11, 2013, was marked Exhibit “G” for the record.

In his statement regarding the Town Budget, Supervisor Arden said that under the budget he has proposed the 2014 Town tax rate would be a minus one-half of one percent, with a \$0.85 reduction per 1,000 of assessed value, a cost of \$155.50 per 1,000 of assessed value, and an annual tax reduction of \$43.50 for the median home in North Castle. Mr. Arden said that the 2014 budget he has proposed is not an austerity budget and enumerated the components which included:

- Fund balance of over 20% in unreserved, undesignated funds
- Contingency fund over recommended target of 1% of General Fund
- Five full time employees: two Police Officers, two Water & Sewer employees, one Highway employee, and funding for seasonal and part time employees
- Savings from rebidding of waste and recycling contract have been incorporated into funds for street paving
- Six new Town vehicles
- Technology improvements for new servers, computers, and software
- Salary increases for some Department Heads from 1.5% to 3%

In response to a query from Councilman D’Angelo whether the proposed budget changes needed to be voted on individually, Town Administrator Joan Goldberg said that each change needed to be identified by line item in order to make amendments to the budget. She said the Board could vote on the changes at the same time if they chose to do so. Town Attorney Roland Baroni said the final schedule of changes should be added to the minutes of the meeting.

Town Clerk Anne Curran read the correspondence from Barry Malvin requesting that the Town Administrator and Town Clerk enumerate the operational effects of the newly proposed \$640,000 in

cuts to the Preliminary Budget, including the departments of Highway, Recreation, Parks, Building, Town Administrator, and Town Clerk. Supervisor Arden said he did not know how to respond to Mr. Malvin's request as it seemed that the request is to revisit the entire budget. Ms. Curran clarified that Mr. Malvin's request was specifically with regard to the \$640,000 in cuts to the budget which were submitted by Mr. Arden and posted on the Town website today.

Town Administrator Joan Goldberg said unfortunately she was not part of the process to cut the budget. Ms. Goldberg said she would say what she has reiterated for the last six or seven months that Town departments are not properly staffed and cannot keep up with the workload both in the Parks and Highway Departments. Ms. Goldberg cited several examples: school buses traveling on unplowed roads during a snowstorm last winter, regular road maintenance not being done, an incident resulting in the injury of a Highway Department employee, acres of parkland being maintained by three employees, and a safety survey rating a number of Town playgrounds as hazardous.

Councilman Cronin said that Ms. Goldberg did not provide the Board with an analysis of Highway Department staffing. Mr. Cronin said that the budget presented by Ms. Goldberg included all the requisitioned positions and salary increases for all Department Heads. He said Ms. Goldberg has not acknowledged that funding for seasonal hires in Highway and Parks has been doubled in the proposed budget and the inability of the Human Resources Department to fill those positions is not the fault of the Town Board.

In response to a query from Councilman D'Angelo, Ms. Goldberg said that the modifications proposed to the budget would result in five positions being cut, all of which were included in 2012 and 2013 budgets. She said that the positions have not been filled as the Town is working with CSEA unions to bring in a lower tier of employees with lower level of salary and benefits and an increased share of benefit costs. In response to Mr. D'Angelo's query, Ms. Goldberg confirmed that she has asked the Board at different times to fill positions, and the majority of the Board chose not to fill these full time positions.

Discussion ensued among the Board regarding staffing in the Highway, Parks and Recreation Departments and whether positions should be filled with full time employees or with seasonal workers.

In response to a query from Councilman D'Angelo about hiring seasonal workers in the Highway Department, General Foreman Jamie Norris said seasonal workers are very limited in what they can do if they do not have commercial driver licenses and are inexperienced with plow vehicles. Mr. Norris said that in 1984 the Highway Department had 22 employees with 80 miles of roads and it now has 18 employees with 94 miles of road, and the work is not getting done.

Councilman Schiliro cited the Highway Department staffing analysis which demonstrated that many more labor hours were needed. Mr. Schiliro asked why the two Water and Sewer positions are proposed to being filled and the Highway and Parks positions are not. To his inquiry asking how long the Town can employ a part-time (seasonal) worker, the Town Administrator stated that the limit is four months, and that they have been unsuccessful in filling part-time temporary positions.

In response to Mr. Malvin's query, Town Clerk Curran said she had no knowledge of the most recent proposed changes to the budget until she received them earlier today. Ms. Curran said the today's changes were different than those she received on December 9, 2013, and she was not previously informed they include the proposed elimination of her 3% salary increase which she had submitted, and noted that she has not received a salary increase in four years. Ms. Curran said other Department Heads may not have been informed that their salary increases are also proposed to be eliminated.

Bob Greene, North Lake Road, said he thought the budget previously presented was the subject of tonight's public hearing until he learned that significant cuts were recently proposed. Mr. Greene said many residents are not aware of the recently proposed cuts and have not been provided with the

reasoning behind the cuts. He said the majority of the Board (those that support these drastic cuts) might be confusing the public's interest in the need for efficiency with the desire to maintain or improve services. He asked how many times the Board has heard a citizen complain that cuts will hurt the Town.

Councilman Cronin defended the budget reductions and noted the fundamentally different approach among Board members. He believes the Board has to always look to decrease full time positions due to the long term expenses regarding benefits and pension costs. He reiterated that the budget does put money back for seasonal staffing. He did agree that the Town Board salaries need not be reduced by the outgoing Town Board.

Councilman Schiliro asked why there was no deliberation concerning the recently proposed cuts to the budget and said this was not the proper budget process. Mr. Schiliro said the Department Heads have advised of the staffing needed to provide services and the proposed cuts to staffing will impact services. He stated that the proposed cuts should have been discussed weeks ago.

Councilman D'Angelo said that the Supervisor never commented during budget meetings with Department Heads regarding proposed staffing, nor did the Supervisor comment on his plan to use part-time versus full-time workers. Mr. D'Angelo also stated that if the Supervisor believes there are other sources of revenue to offset some changes that revenue should be itemized in the budget, including expenses, in order to keep the tax levy the same. Saying that maybe we will get money down the road is not proper budgeting.

Sam Morell, Birdsall Farm Drive, said following receipt of email confirmation from the Town assuring him there would be funding in the budget for four summer concerts in Wampus Brook Park, he obtained commitment from performers and technical staff. Mr. Morell said he is now concerned the recently proposed cut of \$27,500 from Recreation Programs would eliminate the \$7,500 to fund the concerts. In response to a query from Councilman DiDonato Roth, Mr. Morell said he had tried to obtain corporate sponsorship, but it was not available. Following discussion, it was agreed that the Recreation Programs line would be reduced by \$17,500 versus the proposed reduction of \$27,500, which would include \$7,500 for the concerts.

In response to comments made regarding the inequality of funding for holiday celebrations in North White Plains versus Armonk, Ed Woodyard, Windmill Road, said the Friends of Frosty has obtained local sponsors and is 50(3)(c) organization.

Neal Baumann, Glendale Avenue, asked Supervisor Arden why the proposed cuts were not disclosed at the Board's public work session on the budget, why Town Administrator Goldberg was not involved with the proposed cuts, and if Councilmen Schiliro and D'Angelo were involved in discussions regarding the proposed cuts. He said it was inappropriate to propose cuts without involving the entire Town Board and Town Administrator. Mr. Baumann said there is a need for more staff in departments and that some services in the Town have suffered.

Tony Futia, Custis Avenue, said this is the first budget public hearing he has attended when a decrease in Town taxes is being proposed. Mr. Futia said that over the years he has requested that a salary survey be conducted.

Michael Fareri said it was not right that changes to the budget were not proposed until this morning. Mr. Fareri said the budget increase which was adopted last year should be adopted this year, and there should not be a half percent reduction in the budget; any improvements should be left to the next Town Board. Mr. Fareri complimented the Town Clerk Curran and her staff and spoke in support of the Town Clerk's proposed salary increase. He asked how 18 employees in the Highway Department could do the work previously done by 28 employees. He said there is not a system for replacing the Town's equipment and its buildings are in disrepair. In response to a query from Mr. Fareri, Supervisor Arden said base amount allocated in the budget for road repair is \$500,000. Mr. Fareri referred to the pavement management study conducted by VHB, stating that higher amounts were needed. He stated that the process for these late budget cuts is just not right.

John Diaconis, Orchard Drive, said the Town prosecutor should be a town resident paid on a flat fee rather than an hourly rate. This system would provide a farm system for future Town prosecutors.

Sara Doto, Hobby Lane, spoke in support of the proposed decrease in Town taxes. Ms. Doto said that in the past, cuts have not been made at the employee level, but at the service level. She said that the appearance of the Town is now better than it has been.

Bill Weaver, former Supervisor and Frog Rock Road resident, said he was surprised that the Town Administrator was not involved in the proposed changes to the budget. Mr. Weaver said the \$400,000 savings from the rebidding of the waste and recycling contract would reduce the budget by about 2% and result in about a 1% tax increase. He said the Town is a service business which has to provide the best services to residents at the best rate, and by not making further budget cuts the Town could provide better services.

Ann Danzig, Orchard Drive, said she could not follow the logic of funding for part time positions when the Town has not been able to recruit sufficient numbers of part time employees. Ms. Danzig asked how the process would be handled going forward when it has not been proven how it would work.

Joe Pizzimenti, Limestone Road, said as a business owner with a workforce of about sixty percent part-time employees, he cited his negative experience with part-time employee performance, including ongoing turnover and on-going human resource expenses.

Barbara DiGiacinto, Councilman-elect and resident of Stony Brook Place, said that the Preliminary Budget with a 2.9% tax increase was a more realistic budget in terms of staffing and programs. Ms. DiGiacinto said many departments are understaffed. She said when she campaigned door to door not one person complained about taxes, but they complained about services, particularly highway services, and were in support of hiring the additional personnel needed to get the work done. Ms. DiGiacinto said the outgoing Board needs to think about their legacy of leaving a new Board with a limiting budget which cannot provide the programs and services the residents want.

Mario Ruggiero, Limestone Road, complimented Town employees, including the Police and Highway Departments. He cited various services that have been lost or diminished over the years and yet taxes are still a source of complaint so it will take time to make improvements. Mr. Ruggiero asked if employees in other departments could obtain commercial driver licenses and drive highway vehicles.

Ms. Goldberg, Matt Trainor, Recreation Supervisor and Acting Recreation Department Head, and Don Brandes, Parks Foreman, said that full time employees were needed to fill the vacant Parks and Recreation positions in order to provide the necessary services. Matt Trainor said that participation in recreation programs has increased but that more hands and help are needed to continue to provide services that the community is supporting. Mr. Trainor stated that he has one hand in administration and the other in programming and neither functions are appropriately managed; a Senior Recreation Leader is needed to effectively run day-to-day business.

Councilman Schiliro asked that the Board listen to their administrators and led the discussion of the Supervisor's proposed budget changes, item by item. The following was agreed to by the majority of the Board, with reductions of approximately \$356,000, resulting in approximately a 1% increase in the Town tax rate:

- Maintain Town Board Salaries for four Town Board members at total of \$72,544.
- Reduce Building Dept. Equipment & Capital Outlay line by \$40,000.
- Reduce Contingency line by \$95,000.
- Maintain Parks Dept. Part Time Salaries at \$25,000.
- Eliminate funding for one Parks Dept. full time position at a salary of \$56,284. Maintain funding for one Parks Dept. full time position at salary of \$56,284.
- Reduce Planning Dept. Salaries by \$1,941.
- Reduce Police Dept. Salaries by \$12,037.

Town Board Minutes  
December 11, 2013

- Maintain funding for one Recreation Dept. full time position at a salary of \$65,725.
- Reduce Recreation Programs line by \$17,500.
- Reduce Town Administrator Part Time Salaries by \$14,000.
- Reduce Town Assessor Salaries by \$6,000.
- Reduce Town Clerk Salaries by \$2,760.
- Reduce Transportation Admin Salaries by \$5,900.
- Reduce Refuse, Garbage & Recycle line by \$341,817 which reflects the implementation of the single stream option.
- Increase Highway Pavement Management line by \$360,000, for a total budgeted amount of \$500,000.
- Maintain Highway Dept. Part Time Salaries at \$20,000.
- Reduce Highway Dept. Salaries by \$25,305.

After all persons were heard who desired to be heard, Councilman D’Angelo moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 10:30 p.m.

The roll call was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman D’Angelo, adoption of the 2014 Town Budget and 2014 Special District Budgets to include the itemized amendments as listed below.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, D’Angelo, Supervisor Arden.

Noes: Councilman DiDonato Roth

Budget Code	PRELIMINARY 2014	Supervisor Arden's		TB Agreed	TB Adopted
		Proposed	Change	12/11/2013	Adjustment
General					
Town Board					
SALARIES	72,544	54,408	(18,136)	72,544	-
SOCIAL SECURITY....	6,396	5,009	(1,387)	6,396	-
NYS RETIREMENT SYSTEM....	8,998	7,314	(1,684)	8,998	-
BUILDING DEPARTMENT					
Equip & Capital Outlay	40,000	-	(40,000)	-	(40,000)
CONTINGENCY					
CONTINGENCY....	275,000	180,000	(95,000)	180,000	(95,000)
PARKS					
DENTAL & VISION....	8,114	6,905	(1,209)	7,510	(604)

Town Board Minutes  
December 11, 2013

DISABILITY INSURANCE....	361	241	(120)	301	(60)
HEALTH INSURANCE....	96,090	61,051	(35,039)	78,571	(17,519)
NYS RETIREMENT SYSTEM....	77,270	64,017	(13,253)	70,644	(6,626)
SAL. PART TIME....	25,000	50,000	25,000	25,000	-
SALARIES....	425,474	312,906	(112,568)	369,190	(56,284)
SOCIAL SECURITY....	34,767	27,763	(7,004)	30,462	(4,305)
PLANNING DEPARTMENT					
NYS RETIREMENT SYSTEM....	37,141	36,744	(397)	36,744	(397)
SALARIES....	176,529	174,588	(1,941)	174,588	(1,941)
SOCIAL SECURITY....	13,887	13,739	(148)	13,739	(148)
POLICE					
NYS RETIREMENT SYSTEM....	1,083,638	1,080,321	(3,317)	1,080,321	(3,317)
SALARIES....	3,232,586	3,220,549	(12,037)	3,220,549	(12,037)
SOCIAL SECURITY....	326,446	323,563	(2,883)	323,563	(2,883)
RECREATION ADMINISTRATION					
DISABILITY INSURANCE....	361	301	(60)	361	-
HEALTH INSURANCE....	91,488	73,960	(17,528)	91,488	-
NYS RETIREMENT SYSTEM....	75,290	61,839	(13,451)	75,290	-
SALARIES....	348,196	282,471	(65,725)	348,196	-
SOCIAL SECURITY....	29,148	24,120	(5,028)	29,148	-
RECREATION PROGRAMS					
CONT. REC. PROGRAMS....	217,500	190,000	(27,500)	200,000	(17,500)

Town Board Minutes  
December 11, 2013

TOWN ADMINISTRATOR					
SAL. PART TIME	39,000	25,000	(14,000)	25,000	(14,000)
SOCIAL SECURITY	13,790	12,719	(1,071)	12,719	(1,071)
TOWN ASSESSOR					
NYS RETIREMENT SYSTEM....	43,329	42,162	(1,167)	42,162	(1,167)
SALARIES....	227,744	221,744	(6,000)	221,744	(6,000)
SOCIAL SECURITY....	17,499	17,040	(459)	17,040	(459)
TOWN CLERK					
NYS RETIREMENT SYSTEM....	61,325	60,759	(566)	60,759	(566)
SALARIES....	287,115	284,355	(2,760)	284,355	(2,760)
SOCIAL SECURITY....	22,730	22,519	(211)	22,519	(211)
TRANSPORTATION ADMIN					
NYS RETIREMENT SYSTEM....	40,161	38,954	(1,207)	38,954	(1,207)
SALARIES....	196,297	190,397	(5,900)	190,397	(5,900)
SOCIAL SECURITY....	15,017	14,566	(451)	14,566	(451)
REFUSE, GARBAGE & RECYCLE					
CONTRACT. REFUSE COLLECT	1,150,000	748,183	(401,817)	808,183	(341,817)
Highway					
TOWN ENGINEER					
CONT. OTHER - PAVEMENT	140,000	500,000	360,000	500,000	360,000
DISABILITY INS					
DISABILITY INSURANCE....	1,203	1,143	(60)	1,173	(30)
GENERAL REPAIRS					
SALARIES....	650,156				

Town Board Minutes  
December 11, 2013

		599,546	(50,610)	624,851	(25,305)
SOCIAL SECURITY....	51,345	47,472	(3,873)	49,409	(1,936)
HIGHWAY					
MISCELLANEOUS					
SAL. PART TIME....	20,000	70,000	50,000	20,000	-
SALARIES....	650,156	599,546	(50,610)	624,851	(25,305)
SOCIAL SECURITY....	51,270	47,395	(3,875)	49,333	(1,937)
HOSPITAL & MEDICAL					
DENTAL & VISION....	48,350	44,896	(3,454)	46,623	(1,727)
HEALTH INSURANCE....	325,555	282,463	(43,092)	304,009	(21,546)
NYS RETIREMENT					
NYS RETIREMENT					
SYSTEM....	376,215	367,780	(8,435)	371,998	(4,217)
Grand Total			(640,033)		(356,233)

---

Anne Curran, Town Clerk

Dated: December 30, 2013

---

PUBLIC HEARING  
December 11, 2013

At 10:31 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on December 11, 2013 at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering a local law to amend Section 10-4 of the Town Code to permit the establishment of an escrow account for Town Engineer site inspections of commercial site plans.

The proposed local law is available in the Town Clerk’s office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: November 27, 2013  
Armonk, New York

The Public Notice was marked Exhibit “A” for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit “B” for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit “C” for the record.

Short Environmental Assessment Form

Negative Declaration

The proposed local law

Director of Planning Adam Kaufman explained the current procedure is to bill property owners for inspections of commercial site plans by the Town Engineer. The proposed recommendation is to collect the fees up front in an escrow account. After the fees are paid, any funds remaining on deposit would be returned to the applicant. Mr. Kaufman said the Town Engineer’s hourly rate for the inspections will be referenced in the Master Fee Schedule.

Supervisor Arden said this change will address the difficulties associated with collecting the fees.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Supervisor Councilman DiDonato Roth moved, seconded by Councilman D’Angelo, that the Public Hearing be closed at 10:34 p.m.

The roll call was as follows:

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

Noes: None.

Councilman D’Angelo moved, seconded by Councilman DiDonato Roth that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call 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 adoption of a Local Law 12 of 2013 to amend Section 10-4 of the Town Code to permit the establishment of an escrow account for Town Engineer site inspections of commercial site plans.

The roll call was as follows:

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

Noes: None.

The local law follows at the end of these minutes.

---

Anne Curran, Town Clerk

Dated: December 30, 2013

**TOWN OF NORTH CASTLE**

**Local Law No. 12 For the Year 2013  
Adopted December 11, 2013**

A local law to amend Section 10-4 of the Town Code to permit the establishment of an escrow account for Town Engineer site inspections of commercial site plans.

**Section 1.** Amend Section 10-4 of the Town Code as follows:

- A. A fee shall be charged in connection with the review of all Building and Highway Department applications described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. All fees as required by this section shall be doubled whenever the work which is subject to a fee is commenced or completed prior to the issuance of the appropriate permit.
- B. Inspection fee. To offset the costs incurred by the Town in conducting inspections, all applicants for approval of non-residential site plans shall be required to submit an inspection fee, in such amount as set forth in the Master Fee Schedule.

The Building Department may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services for non-residential site plan inspection fees. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the Building Department based upon its evaluation of the nature and complexity of the inspection. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Town may suspend its inspection. A certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

**Section 2.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 3.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 4.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: December 11, 2013