

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 10, 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 Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 7:07 p.m. All Town Board members, the Town Attorney, the Town Administrator and the Town Clerk were present for the Work Session. The Work Session adjourned to the regular meeting which reconvened at 7:50 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

Brett Summers, member of the Board of Ethics, gave a presentation entitled Board of Ethics: 2018 Town Board update.

A Public Hearing was reconvened to consider the Special Event Permit application of Troy's Nurseries for an Easter Special Event at 97 Bedford Banksville Road, to be open to the public on Saturday, April 13, 2019.

The Minutes of the Public Hearing which began at 8:40 p.m. follow at the end of these Minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of Town Board Minutes: March 27, 2019.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of Town Board Minutes: April 3, 2019. Due to their absence from the April 3, 2019 meeting, Supervisor Schiliro and Councilman: José Berra abstained from the vote.

The roll call vote was as follows:

Ayes: Councilmen: Stephen D'Angelo, Barbara DiGiacinto, Barry Reiter

Noes: None

Abstained: Supervisor Michael Schiliro, Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, receipt of memo from Adam Kaufman, Director of Planning, dated March 26, 2019 regarding Comprehensive Plan Implementation.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, authorization for Director of Planning Adam Kaufman to request proposals for a study of the cost of implementation of the Comprehensive Plan along Route 22 in North White Plains.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of memo from Town Engineer Kellard Sessions regarding Performance Bond for 850 North Broadway (Ralph's Ices) and approval of extension of Performance Bond to May 8, 2019.

Vote- Unanimous

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Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of recommendations of Planning Board and Kellard Sessions regarding Establishment of Wetland Mitigation Bond in the amount of \$35,755.50 and Wetland Maintenance and Monitoring Bond in the amount of \$4,875.75 for Avni Gecaj, 3 Vincent Lane, Armonk.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Director of Water and Sewer Sal Misiti for a declaration of emergency repairs to Sewer District No. 2 Waste Water Treatment Plant Secondary Clarifier main thrust bearing failure.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of request from General Foreman Norris to award bids and authorize the Supervisor to sign agreements for: highway materials: aggregates; asphalt; winter materials; laid-in-place asphalt; and rental of milling equipment; pavement markings; guiderails; and catch basins. The bid awards follow at the end of these minutes.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for Supervisor to sign drainage construction easements with Lapsker and Khaldarov regarding Leatherman Court, Armonk.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Stephen D'Angelo, approval of application from Westchester Corvette Club and North Castle PBA for a Car Show in parking lot of IBM Community Park on Sunday, July 28, 2019 (rain date Sunday, August 4, 2019).
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, to reject the bids regarding the North Castle Public Library Children's Room Expansion Project, Armonk Branch.
Vote- Unanimous

Consideration of the Agreement with the Armonk Chamber of Commerce regarding Summer Concert Series in Wampus Brook Park was tabled.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of the probationary appointment of Robert Melillo to the position of Building Inspector, effective March 24, 2019 with a delayed start date effective April 22, 2019.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of the probationary appointment of Patrick Ricci, Bookkeeper, Finance Department, effective April 29, 2019.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of the elimination of the position of Budget Officer, effective March 31, 2019.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of suspending Employee No. 3341 pending a determination of the charges, dated October 26, 2018, for a period not exceeding thirty (30) days, pursuant to New York State Civil Service Law Section 75.
Vote- Unanimous

RESOLUTION

WHEREAS, the Town of North Castle General Foreman preferred disciplinary charges, dated October 26, 2018, against Employee No. 3341; and

WHEREAS, by resolution dated, November 28, 2018, the Town Board adopted the disciplinary charges, dated October 26, 2018, against Employee No. 3341 and appointed a hearing officer to conduct a hearing, make findings of fact and issue a recommendation to the Town Board; and

WHEREAS, the Town Board has determined that it is appropriate to suspend Employee No. 3341 without pay; and

NOW, THEREFORE, BE IT RESOLVED, that Employee No. 3341 is hereby suspended without pay pursuant to New York Civil Service Law Section 75, effective November 15, 2018, pending a determination of the charges, dated October 26, 2018, for a period not exceeding thirty (30) days.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of adopting the disciplinary charges and specifications preferred by the Town of North Castle General Foreman against Employee No. 3341, dated April 1, 2019, without making any findings, and further suspending Employee No. 3341 pending a determination of the charges, for a period not exceeding thirty (30) days, and further appointing a hearing officer with respect to such charges and specifications to conduct a hearing, make findings of fact and issue a recommendation to the Town Board, pursuant to New York State Civil Service Law Section 75.
Vote- Unanimous

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of North Castle hereby adopts the charges and specifications against Employee No. 3341, dated April 1, 2019, as issued by the Town of North Castle General Foreman, without making any determination or findings, and further appoints Kenneth Bernstein, Esq., of Hyde Park, New York, as a hearing officer pursuant to Section 75 of the New York State Civil Service Law with respect to such charges and specifications, and any amendments made thereto, and hereby directs said hearing officer to conduct a hearing, make findings of fact and issue a recommendation to the Town Board.

BE IT FURTHER RESOLVED, that Employee No. 3341 is hereby suspended without pay pursuant to New York Civil Service Law Section 75, effective April 2, 2019, pending a determination of the charges, dated April 1, 2019, for a period not exceeding thirty (30) days.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of resolution setting forth the terms of the appointed hearing officer for Employee No. 3341.
Vote- Unanimous

RESOLUTION

WHEREAS, the Town Board of the Town of North Castle has appointed Kenneth Bernstein, Esq., as a Hearing Officer pursuant to Section 75 of the Civil Service Law to hold a hearing and make recommendations; and

WHEREAS, said Hearing Officer will be carrying out a function for the Town Board that is required by law;

NOW, THEREFORE, BE IT RESOLVED, that Kenneth Bernstein shall be compensated at a rate not to exceed \$185.00 per hour for services rendered; and

BE IT FURTHER RESOLVED that the Town Board of the Town of North Castle shall indemnify and hold Kenneth Bernstein harmless from any claims arising out of his appointment and service as Hearing Officer and shall provide Kenneth Bernstein legal representation and assume all costs with respect to any such claims provided that Kenneth Bernstein provides notice of any such claims in writing to the Town Clerk within ten (10) days of receipt of same and cooperates fully with the Town in the defense thereof.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of Consensus Agenda as follows:

- Receipt of North Castle South Fire District No.1 Financial Statements, December 31, 2017.
- Receipt of notification from T-Mobile Northeast LLC of extension of lease agreement regarding Telecommunications facility, 15 Business Park Drive, Sewer District No. 2.
- Town Clerk's Report: March 2019.

Vote- Unanimous

The Town Board audited and approved payments of \$ 2,505,769.53 as indicated on Warrant # 7 dated April 10, 2019.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 8:52 p.m. in memory of residents Edward Farley and Rocco Verrilli.

Alison Simon, Town Clerk

Dated: April 16, 2019

HIGHWAY BID AWARDS

Highway Materials: Aggregates:

Bank Run	NO BID	
Washed Stone	1/4" \$31.50 per ton del.	Thalle Industries, Inc., Fishkill, NY
	3/8" \$31.50 per ton del.	Thalle Industries
	3/4" \$29.50 per ton del.	Thalle Industries
	1-1/2" \$29.50 per ton del.	Thalle Industries
Washed Limestone	3/4" \$28.20 per ton del.	Putnam Materials, White Plains, NY
	1 1/2" \$28.20 per ton del.	Putnam Materials
Shoulder Material	\$24.80 per ton del.	Putnam Materials
Screened Top Soil	NO BID	
Mason Sand	NO BID	

Highway Materials: Winter Materials

SKID CHAIN		
7/0 Clawcross	\$644.00 per 100 ft.	Chemung Supply Corp., Elmira, NY
7/0 Sidechain	\$344.00 per 100 ft.	Chemung Supply Corp.
Pewag #3007	\$624.00 per 100 ft.	Chemung Supply Corp.
Pewag #1007	\$344.00 per 100 ft.	Chemung Supply Corp.
J Hooks – Pewag #507	\$ 4.64 a piece	Chemung Supply Corp.
Clevis Hooks – Pewag #312	\$ 11.90 a piece	Chemung Supply Corp.

SNOW PLOW AND GRADER BLADES

6"X5/8" THICKNESS (WESTERN)	\$ 9.10 Per Foot, Chemung Supply, Elmira, NY
8"x5/8" THICKNESS	\$12.60 Per Foot, Chemung Supply
8"X5/8" THICKNESS 3 SECTION FOR TENCO	\$14.95 Per Foot, Chemung Supply
8"X5/8" THICKNESS 3 SECTION FOR HENDERSON	\$14.95 Per Foot, Chemung Supply
CARBIDE BLADES	\$51.50 Per Foot, Chemung Supply

Highway Materials: Asphalt: Peckham Materials:

BITUMINOUS CONCRETE

403.138902 Type 3 Binder	\$85.40 Per Ton FOB
403.178302 Top Coarse Type 6F	\$86.40 Per Ton FOB
403.198302 Top Coarse Type 7F	\$93.90 Per Ton FOB
714.06 Asphalt Curb	\$97.90 Per Ton FOB
403-118902 Type 1 Base	\$84.90 Per Ton FOB
402-128102 12.5 MM S/P Top	\$86.40 Per Ton FOB
402-258901 25.0 MM S/P Binder	\$84.90 Per Ton FOB
402-378901 37.5 MM S/P Base	\$84.90 Per Ton FOB
402-068101 6.3 POLY MOD S/P Top	\$95.40 Per Ton FOB
404-178902 6F3 Top Warm Mix	\$90.40 Per Ton FOB
404-118902 Type 1 Base Warm Mix	\$88.90 Per Ton FOB
407.01 Tack Coat	\$14.05 Per gallon

Highway Materials: Laid in Place Asphalt: Westchester Hills Landscaping:

403-138902-Type 3 Binder In-Place	\$ 99.00 per ton
403-138902-Type 3 Binder In-Place w/Tack Coat	\$101.50 per ton
702-64E22-Type PG Binder	\$100.00 per ton
702-64E22-Type PG Binder In-Place w/Tack Coat	\$102.00 per ton
403-178302-6F Top In Place	\$ 97.50 per ton
403-178302-6F Top In Place w/Tack Coat	\$ 98.85 per ton
403-198302-7F Top In-Place	\$ 99.00 per ton
403-198302-7F Top In-Place w/Tack Coat	\$102.00 per ton
402-128102-12.5 MM S/P Top In-Place	\$105.00 per ton
402-128102-12.5 MM S/P Top In-Place w/Tack Coat	\$107.00 per ton
402-258901-25.0 MM S/P Binder In-Place	\$105.00 per ton
402-258901-25.0 MM S/P Binder In-Place w/Tack Coat	\$107.00 per ton
402-378901-37.5 MM S/P Base In-Place	\$104.00 per ton
402-378901-37.5 MM S/P Base In-Place w/Tack Coat	\$107.00 per ton
402-068101-6.3 Poly Mod S/P Top In-Place	\$105.00 per ton
402-068101-6.3 Poly Mod S/P Top In-Place w/Tack Coat	\$107.00 per ton
404-118902-Type 1 Base Warm Mix	\$ 99.00 per ton
404-118902-Type 1 Base Warm Mix w/Tack Coat	\$101.50 per ton
404-178902-6F Top Warm Mix In-Place	\$ 99.00 per ton
404-178902-6F Top Warm Mix In-Place w/Tack Coat	\$101.50 per ton
403-118902-Type 1 Base In Place	\$ 99.00 per ton
403-118902-Type 1 Base In Place w/Tack Coat	\$101.50 per ton
714.06 Curb Mix (ELQ Industries)	\$ 99.00 per ton
714.06 Curb Mix In Place w/Tack Coat	\$101.50 per ton

Highway Materials: Rental of Milling Equipment: Westchester Hills Landscaping:

0-5,000 SQ. YDS.	\$ 4.45 sq. yd.
5,001-10,000 SQ. YDS.	\$ 2.20 sq. yd.
10,001-15,000 SQ. YDS.	\$ 2.00 sq. yd.
15,001-PLUS SQ. YDS.	\$ 1.80 sq. yd.
TRUCK RENTAL	\$1,320.00 per day (8 hrs.)
MOBILIZATION CHARGE	\$ 750.00

Pavement markings:

Seneca Pavement Marking is low bidder at a total cost of \$460.00 per linear mile.

Guiderails: Chemung Supply Corp.:

Galvanized corrugated beam rail, Material only	\$25.44 per linear foot
Galvanized corrugated beam rail w/post, Material only	\$19.94 per linear foot
Galvanized 6 in. x 6 in box beam rail, including all splice plates, hardware, etc. Installed to NYSDOT specifications.	
Using type one end sections	\$48.60 per linear foot
Using type two end sections	\$62.10 per linear foot
6 in x 6 in box beam rail shop cut and metered curve	\$74.45 per linear foot

Precast Concrete Structures (Catch Basins) award as follows:

30"X48" CATCH BASIN STRUCTURE WITH FOUR (4) KNOCKOUTS			
1CB-NS3	3' DEPTH WITHOUT SUMP	Chemung Supply	\$205.00
1CB-S3	3' DEPTH WITH SUMP	Chemung Supply	\$205.00
1CB-NS4	4' DEPTH WITHOUT SUMP	Chemung Supply	\$248.00
1CB-S4	4' DEPTH WITH SUMP	Chemung Supply	\$248.00
1CB-NS5	5' DEPTH WITHOUT SUMP	Chemung Supply	\$590.00
1CB-S5	5' DEPTH WITH SUMP	Expanded Supply	\$600.00
1CB-NS6	6' DEPTH WITHOUT SUMP	Chemung Supply	\$695.00
1CB-S6	6' DEPTH WITH SUMP	Chemung Supply	\$708.00
FRAMES AND GRATES		Expanded Supply	\$395.00
ALTERNATE FRAMES AND GRATES		Expanded Supply	\$395.00

1D1 30"x30" DRAIN INLET WITH FOUR (4) KNOCKOUTS			
1DI-NS3	3' DEPTH WITHOUT SUMP	Expanded Supply	\$260.00
1DI-S3	3' DEPTH WITH SUMP	Expanded Supply	\$260.00
1DI-NS4	4' DEPTH WITHOUT SUMP	Chemung Supply	\$385.00
1DI-S4	4' DEPTH WITH SUMP	Chemung Supply	\$385.00
1DI-NS5	5' DEPTH WITHOUT SUMP	Chemung Supply	\$468.00
1DI-S5	5' DEPTH WITH SUMP	Chemung Supply	\$468.00
1DI-NS6	6' DEPTH WITHOUT SUMP	Chemung Supply	\$540.00
1DI-S6	6' DEPTH WITH SUMP	Chemung Supply	\$540.00
FRAMES AND GRATES		Campbell Foundry	\$375.00
ALTERNATE FRAMES AND GRATES		NO BID	