

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
June 12, 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 7:37 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:39 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

The Supervisor dedicated the meeting in memory of 12 year old resident Daniel “Danny” Thomas McManus.

A Public Hearing was reconvened to consider the Fifth Revised Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery and to consider a revised Local Law to amend Chapter 355, Zoning, to add the R-MF-DA (Residential - Multifamily - Downtown Armonk) Zoning District and to map said district, and incorporate Special Use Permit requirements (with regard to the Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery).

A Public Hearing was reconvened to consider amendments to Town of North Castle Comprehensive Plan regarding the residential use of property in the NB (Nursery Business) Zoning District (with regard to the Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery).

The minutes of the Public Hearings which began at 8:23 p.m. follow at the end of these minutes.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of Town Board Minutes: May 21, 2019.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barry Reiter, adoption of Revised Resolution regarding Special Event Permit for the Armonk Chamber of Commerce regarding 3rd Thursday Events in Armonk Square on June 20, 2019, July 18, 2019 and August 15, 2019 and Car Show at St. Stephen's Church including a parade of cars on Town roadways on July 18, 2019. The Revised Resolution follows at the end of these minutes.  
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of recommendation from the Planning Board regarding Broadway Plaza Parking Lot Expansion for property located on North Broadway and Emmalon Avenue, North White Plains (property also known as Sir John's Plaza); and scheduled a Public Hearing on July 10, 2019.  
Vote- Unanimous

Consideration to transfer of roadbed of former Whipoorwill Road East to its contiguous property owners, Merritt Capital and Consulting, LLC and to James Shallo and Rose Shallo, Husband and Wife with Right of Survivorship, subject to permissive referendum was tabled.

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Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Abbas Sura, Director of Finance, regarding funding and accounting for the expenses of the Supervisory Control and Data Acquisition (SCADA) Upgrade Project for the Water and Sewer Department.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Notice of NYS liquor license application for Venice Pizza and Trattoria, 731 North Broadway, North White Plains, and approval of request for waiver of 30-day notice requirement.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Windmill Triathlon for use of Town roads on Saturday, August 31, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, adoption of Resolution authorizing the Town of North Castle to file a grant application under the New York State Water Quality Improvement Program, Round 16 - Project Type: Municipal Separate Storm Sewer Systems (MS4) Mapping. The Resolution follows at the end of these minutes.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, authorization for the Supervisor to extend agreement with SPCA of Westchester for the period of July 1 to December 31, 2019 at a cost of \$409.96 per month.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, authorization for the Supervisor to sign Amendment B to the Municipal Snow and Ice Agreement with NYS DOT for 2018-2019. Municipal Snow & Ice Agreement for 2018-2019 was \$99,883.95 and the index adjustment was \$57,533.16 making the total reimbursement for the 2018-20197 season \$157,417.11 The Town has been paid \$99,883.95 to this date making this reimbursement \$57,533.16.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, authorization for the Supervisor to sign engagement letter with Capital Market Advisors, LLC (CMA) to provide Continuing Disclosure and General Financial Advisory services. CMA's fee for its Continuing Disclosure Services will be \$2,500 per year. Their fees for ongoing Financial Advisory and Consulting services will be at hourly rates of \$175 to \$250 as outlined in the agreement.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of the probationary appointment of Kevin Hay as Town Administrator for the Town of North Castle, effective July 29, 2019.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of the probationary appointment of Todd Orłowski as Superintendent of Recreation and Parks, effective July 8, 2019.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of the expiration of term of Jennifer Giusti as Acting Superintendent of Recreation and Parks, and reinstatement of Jennifer Giusti as Senior Recreation Leader, effective May 19, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of appointment of Robert Bastone, Seasonal Laborer, Parks and Recreation, with revised effective date of May 29, 2019.

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of appointment of Eric Dinome, Seasonal Laborer, Parks and Recreation, with revised effective date of July 1, 2019.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of appointment of Tyrese Richardson, Seasonal Laborer, Highway Department, effective June 3, 2019.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of hourly salary increases for the following Library employees, effective January 1, 2019: Michelle Harvey, Librarian; Susan Kramer, Librarian; Michelle MacDevitt, Page; and Susanne Meccio, Page.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Letter of Resignation for purposes of Retirement, dated May 23, 2019, from Mary Ann Rinaldi, Police Department, effective May 30, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of request for Assessor Victoria Sirota and Georgann Richardson to attend the 2019 Cornell Seminar on Appraising Information in Ithaca, NY, July 14 to 19, 2019, and permission to use a Town vehicle.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, reappointment of Craig Benedict to the Conservation Board for a two-year term to expire May 10, 2021.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, recognition of service of Zenaida Bongaarts to the Conservation Board.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, receipt of letter of Resignation, dated May 29, 2019, from Milton Richardson, Auxiliary Police.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign a three-month extension request of New York State Civil Service Commission, Section 211 waiver for Patricia Dwyer, Sourced Municipal Solutions, effective July 1, 2019 through September 30, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Consensus Agenda:

- Town Clerks Report: May 2019.
- Release of Highway Bonds
  - Con Edison – Permits 1322, 1323, 1326, 1327, 1328 & 1329 for street openings at various locations in the amount of \$6,325.
  - Alto Contracting – Permit 1031 for driveway alteration at 12 Sunrise Drive in the amount of \$500.
  - Palmer Holdings – Permit 1039 for curb cut at 85 Byram Ridge Road in the amount of \$1,000.
  - Cross County Asphalt – Permit 1036 for driveway resurfacing at 6 Birch Grove Road in the amount of \$500.
- Receipt of Cable Franchise fees payments, 1st Qtr. 2019:
  - Cablevision/Altice - No. and So. agreements.
  - Verizon FIOS.
- Receipt of Notice of Claim in the Matter of David Simon vs. Town of North Castle.
- Receipt of Notice of Claim in the Matter of Amnon Gitelson vs. Town of North Castle.
- Audit and approval of payments in the amount of \$1,493,345.48 as indicated on Warrant #11, dated June 12, 2019.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 12:21 a.m. in memory of Daniel Thomas McManus.

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Alison Simon, Town Clerk

Dated: June 17, 2019

**REVISED RESOLUTION**

**Action:** Special Event Permit  
**Application Name:** Armonk Chamber of Commerce Third Thursday  
**Applicant:** Armonk Chamber of Commerce  
**Location:** Armonk Square - Armonk Hamlet  
**Date of Approval:** June 12, 2019  
**Term of Special Event Permit:** June 20, 2019 from 5:00 PM – 8:30 PM  
July 18, 2019 from 5:00 PM – 7:30 PM  
August 15, 2019 from 5:00 PM – 7:30 PM

WHEREAS, an application dated April 11, 2019 was submitted by Armonk Chamber of Commerce to operate a special event in the Armonk Hamlet pursuant to Chapter 263 of the Town Code; and

WHEREAS, the Armonk Chamber of Commerce is requesting permission to conduct a special event that is open to the public and will accommodate approximately 350 people at any one time; and

WHEREAS, Third Thursday is a community celebration that provides art, in-store deals, music, dining, car show and more; and

WHEREAS, musical entertainment will be provided; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, the site plan was forwarded to the Chief of Police and Building Department so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on May 21, 2019 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved for June 20, 2019 from 5:00 PM – 8:30 PM, July 18, 2019 from 5:00 PM – 7:30 PM, and August 15, 2019 from 5:00 PM – 7:30 PM, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

**Prior to the Issuance of the Special Event Permit:**

*(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_1. Pursuant to Section 263-4.F of the Town Code, the Applicant shall maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.
- \_\_\_\_\_2. Pursuant to Section 263-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.
- \_\_\_\_\_3. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.
  - Note the following recommendation from Building/Fire Marshal Robert Melillo, dated April 24, 2019: There will be no use of fireworks, no tents over 199 square feet, all fire hydrants and all areas of ingress and egress will be kept clear at all times.

**Other Conditions:**

1. Store owners shall dispose of all refuse and recycle appropriate materials in accordance with its designated and customary place of disposal.
2. The Chamber shall obtain the consent of all owners of any premises on which the event is to be conducted.
3. The Chamber shall ensure that at all times a four-foot walking area is provided on all sidewalks. Furnishings or other objects must not be allowed to intrude upon the four-foot walking area.
4. The Chamber shall at all times maintain free and clear from all obstruction an aisle not less than four feet in width, providing access to any establishment fronting on a sidewalk.
5. Pursuant to Section 263-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal.
6. Pursuant to Section 263-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant, except for the following which has been previously agreed upon:
  - The Town will provide, at no cost to the applicant, one police officer for the Third Thursday Events on June 20, 2019 and August 15, 2019, and two police officers for the Third Thursday Event on July 18, 2019 which will include the Car Show.
7. This special event permit is not assignable.

8. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 263-6 of the Town Code.
9. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
10. The special event shall not be conducted prior to 5 PM or after 8:30 PM.
11. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
12. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.

## RESOLUTION

**Action:** Resolution Authorizing the Town of North Castle to file a Grant Application under the New York State Water Quality Improvement Program, Round 16 - Project Type: Municipal Separate Storm Sewer Systems (MS4) Mapping

**Date of Approval:** June 13, 2019

WHEREAS, in order to increase the chances of the Town receiving a grant award, the Town of North Castle is proposing to join forces with other Westchester towns and villages as part of the Northern Westchester WQIP Consortium for MS4 Mapping; and

WHEREAS, the New York State Department of Environmental Conservation recently announced a new funding round for the Water Quality Improvement Program, Round 16, which allocates \$70 million to qualified applicants; and

WHEREAS, applications must be submitted by the project deadline of July 26, 2019; and

WHEREAS, the Town of North Castle, through the Northern Westchester WQIP Consortium, will be submitting an application for Municipal Separate Storm Sewer Systems (MS4) Mapping; and

WHEREAS, the Consortium is being planned to offer a coordinated and comprehensive approach to stormwater mapping within the municipalities of Northern Westchester County, and is anticipated to include the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Somers, Yorktown and the Villages of Buchanan and Croton-on-Hudson; and

WHEREAS, the Town of Yorktown will act as the lead applicant for this grant application.

WHEREAS, the proposed project, which meets all the eligibility requirements of the grant program, would fund the following tasks for participating Consortium municipalities:

- Conduct basic mapping of infrastructure (NYSDEC terms this effort Basic Elements Map)
- Identify stormwater management practices and priority areas and other features (Intermediate Elements Map)
- Advanced development of stormwater mapping with attributes, flow direction and storm sewer boundaries (Advanced Elements Map)

WHEREAS, the Consortium is applying for the maximum award amount of \$500,000;

WHEREAS, any grant proceeds will be divided based on the percentage of road miles in each individual community versus the total in the Consortium; and

WHEREAS, the grant requires a 25 percent community match, which can be satisfied with in-kind labor by the Town work force to field verify stormwater structures to be included in the mapping data set; and

WHEREAS, the goal of the application is to leverage individual resources at the town and village level to benefit and share resources across all of the participating municipalities; and

WHEREAS, there are many environmental sensitive areas in our communities, including NYC watershed areas and other critical and impaired waterbodies; and

WHEREAS, a grant award would enable us create and refine comprehensive GIS mapping layers of the Northern Westchester drainage area and continue to meet NYSDEC regulatory requirements for stormwater reporting; and



WHEREAS, program guidelines require the Town to pass a resolution authorizing participation in the grant application as one of the ten (10) participating municipalities of the Northern Westchester WQIP Consortium for MS4 Mapping; and

NOW, THEREFORE BE IT RESOLVED, the North Castle Town Board authorizes the Town of North Castle to participate in the Northern Westchester WQIP Consortium and submit a grant application under the New York State Water Quality Improvement Program, Round 16 for MS4 Mapping; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Town of Yorktown to act as the lead applicant for this grant application and the Town Supervisor shall act as the Authorized Representative for the application.