

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
February 12, 2014

The meeting was called to order at 5:00 p.m. on the duly adopted motion of Councilman D'Angelo and immediately adjourned into a work session which then adjourned to executive session at 7:00 p.m. All Town Board members, the Town Attorney and the Town Administrator were present for the work session and the executive session which adjourned at 7:30 p.m. The Town Clerk joined the regular meeting which reconvened at 7:35 p.m.

Supervisor	Michael J. Schiliro
Councilmen:	Stephen D'Angelo
	Barbara DiGiacinto
	Barry Reiter
	José Berra

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Supervisor Schiliro read a letter dated February 6, 2014 from the Westchester District Attorney's Office acknowledging receipt of the Town's Complaint #PI2014-0013 – Lt. William Fisher, North Castle PD. The letter stated, in part, "After meeting with Chief Harisch and his attorney, Jason Berland, and reviewing the response by Lt. Fisher... it is our determination that this matter should be handled administratively by the Town of North Castle." Supervisor Schiliro said the Town had previously engaged Keane & Beane to do a further investigation on this matter.

Supervisor Schiliro recognized April Paresi and Deborah Cerar, who served as Co-Chairs of the Recycling Committee since December 16, 2009, and thanked them for all the work they have done for the Town.

Ms. Paresi said that she and Ms. Cerar were grateful for the support from prior Town Administrations, Becky Kittredge and Diane Roth, who each served as Town Board Liaisons, their Committee Members, and Diane Chickering, Suburban Carting Liaison. Ms. Paresi recognized the recycling efforts of the Town community.

Linda Trummer-Napolitano, recently appointed Co-Chair of the Recycling Committee, announced that (effective January, 2014) the Town has gone to single stream recycling, and therefore there is no need to separate glass, plastic and aluminum from paper, all of which are now collected every week to encourage greater recycling. She said the Committee is reinvigorating the Bring Your Own Bag (BYOB) initiative and encouraged residents to use reusable bags when they shop to reduce use of plastic bags which create unsightly litter and endanger wildlife. She welcomed interested residents to join the Recycling Committee and encouraged new ideas to be sent to the Committee via the Town website.

Beth Pollack, recently appointed Co-Chair of the Recycling Committee, welcomed José Berra, who will be appointed as Town Board Liaison to the Committee. Ms. Pollack announced that the Town's Zero Waste Day will be held on Saturday, April 26, 2014, with the same vendors as previous years participating. She said volunteers are needed for Zero Waste Day.

Councilman Reiter moved, seconded by Councilman D'Angelo, approval of the minutes of the January 8, 2014 and January 22, 2014 meetings.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: José Berra

Councilman D'Angelo moved, seconded by Councilman Reiter, adoption of a resolution authorizing the submission of a NYS Home Rule Request to establish a hotel occupancy tax. The resolution follows.

WHEREAS, the Town of North Castle desires to enact an occupancy tax on any room for hire within the Town; and

WHEREAS, the rate of such tax shall not exceed three (3) percent of the per diem rental rate for each room; and

WHEREAS, the Town of North Castle desires to repair and improve our Town roads and infrastructure and to stimulate our area economy and to create local construction jobs; and

WHEREAS, the Town of North Castle intends to utilize hotel tax revenue for the purpose of Town wide road and construction projects; and

WHEREAS, NYS Senator George Latimer has introduced NYS legislation to the Senate with bill number S4549A, and NYS Assemblyman David Buchwald has introduced NYS legislation to the Assembly with bill number A6828A; and

WHEREAS, this legislation requires the passage of a Home Rule Request to the NYS Senate and NYS Assembly by the Town of North Castle.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of North Castle hereby approves the submission of a Home Rule Request to the NYS Senate and Assembly for bill numbers S4549A and A6828A that would not exceed a three (3) percent daily room tax for a hotel, motel, or similar place of public accommodation; and

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized to submit the Home Rule Request and execute and deliver all necessary documents to NYS.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

David Leftwich, on behalf of the Westchester Hotel Association, read a letter of opposition to the adoption of a hotel occupancy tax.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Notice of Claim in the matter of Faith Berland vs. Joan Cavorti Goldberg, The Town of North Castle and The North Castle Town Board, and referral to Town Attorneys.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to execute a Stipulation with Susan Shimer regarding her previously filed Notice of Claim concerning retiree benefits. The Stipulation states that if Westchester County Supreme Court determines that Town employees, who retired before July 1, 2012 and prior to the adoption of the Compensation and Benefits Manual, do not have to contribute to medical and prescription drug insurance, such a decision shall be applicable to Susan Shimer; and further, if the Court determines that the Town is obligated to continue dental and vision insurance, such a decision shall be applicable to Susan Shimer; and the expenses incurred by Susan Shimer since the adoption of the manual shall be reimbursed to her, to the extent that the court determines that such expenses should be reimbursed to such retired employees. In consideration thereof, Susan Shimer agrees not to file an action against the Town relating to contributions for such insurance and coverage.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of request from Town Administrator Goldberg to purchase two trucks, one for the Parks Dept. and one for the Highway Dept.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, authorization to pay for capital improvements from Fund Balance as follows:

1. Server upgrade project: \$80,000
2. Annex roof repair: \$77,650
3. Consulting for Water District No. 2 distribution system project: \$265,000

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Town's Attorneys to execute a Stipulation of Settlement in the following matters:

- Scully Realty Corp. vs. Town of North Castle – Index No. 22703/10 et al
- Scully Realty Corp. vs. Town of North Castle – Index No. 22704/10 et al

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, authorization to seek \$7,800 from the Hudson River Valley Greenway for public outreach associated with an updating of the 1996 Comprehensive Plan.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the following requests from the Parks and Recreation Advisory Board:

- Purchase of Vermont Systems software and hardware to allow on-line transactions for Recreation programs - \$15,440
- Approval to go out to bid for playground repairs
- Approval to seek proposals for vending machines

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman Berra, approval of request from Town Administrator Goldberg to purchase two vehicles for the Police Dept., one sedan and one four-wheel drive Suburban, as included in the 2014 budget.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of Letter of Credit #1187 from Crabapple Properties, LLC, in the amount of \$75,000, in connection with Cider Mill development, and in accordance with the terms of the Planning Board Resolution dated November 4, 2013.

Note: The following is an excerpt from the Planning Board resolution dated November 4, 2013:

"In the event additional Certificates of Occupancy for units on the Cider Mill property are requested, the next certificates of occupancy, numbers four and five may be issued upon posting of an additional \$75,000.00 forfeiture bond or letter of credit for each certificate of occupancy requested."

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of notification of lease renewal from T-Mobile Northeast LLC (successor to Omnipoint Communications, Inc.) and Sewer District No. 2, for the term of July 1, 2014 through June 30, 2019.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the agreement with Rutherford & Christie, LLP for legal counsel regarding PERB claim of Linda DiFiore.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of request for Water and Sewer Operations Director Misiti and John Kernan to attend the Spring Training Course, Polymers & Sludge Conditioning, in Yorktown Heights on April 15, 2014, and also approval to use the district vehicle as transportation to and from the training.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of request from Town Administrator Goldberg to attend 2014 NYS GFOA conference in Albany, April 3-4, 2014, and approval to use a Town vehicle to and from the conference.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter recognized David Bauer who has agreed to succeed Mr. Reiter as Chairman of NC4, North Castle Citizen Corp Council. Rich DeFilippo will serve as Vice Chairman of NC4. Mr. Bauer said that NC4 is comprised of about 100 resident volunteers who make themselves available to assist other residents at the Town's emergency shelter. He asked that residents interested in becoming NC4 volunteers contact him via the Town website.

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of notification of disability retirement of Police Officer Wesley Mojica, effective January 31, 2014

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Berra, ratification of the appointment of Evan Cicale, part-time Parks Laborer, effective January 21, 2014.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, ratification of the appointment of Diamantino Valente, part-time Parks Laborer, effective January 21, 2014.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, acceptance of notice of resignation from Annamarie Conte, Library, effective January 11, 2014.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, the reappointment of Chris Tuzzo, Architectural Review Board, for a term to expire September 13, 2016.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Berra, the reappointment of Robert Greer, Assessment Board of Review, for a term to expire September 30, 2018.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, the reappointment of John Delano, Planning Board, for a term to expire December 31, 2018.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, the reappointment of Joseph Monticelli, Chair of Zoning Board of Appeals, for a term to expire December 31, 2018.

The roll call vote was as follows:

Ayes: Councilman D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, the reappointment of Jerry March, Library Board, for a term to expire December 31, 2018.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the reappointment of Dan Zenkel, Parks & Recreation Board, for a term to expire December 31, 2016.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the reappointment of Susan Lichten, Parks & Recreation Board, for a term to expire December 31, 2016.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, the appointment of Jeanne Hinrichs to Chair, Housing Board, to serve at the pleasure of the Town Board.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, the appointment of Karen Johnson, Housing Board, for a term to expire December 31, 2018.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Notice of resignation of George Alvarez, Parks & Recreation Board, effective January 10, 2014, was received on the duly adopted motion of Councilman D'Angelo.

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of notice of resignation of John Stamatov, Conservation Board, effective February 6, 2014.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, recognition of the service of Ann Golia, who served as Volunteer Coordinator through 2013.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of notification that all Planning Board members have completed 2013 mandatory training.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman D'Angelo, ratification of annual compensation of \$57,000 for Mindy Berard as Confidential Secretary to the Supervisor.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the consensus agenda as follows:

- Receipt of Town Clerk's monthly report – January 2014
- Receipt and referral to Town Attorneys: Notice of Commencement of Action: Nubia Zazzini vs. Town of North Castle

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

The Town Board audited and approved payments totaling \$16,015,129.78 as indicated on Warrant #3.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting in memory of former resident Frances Mahoney Bombace. The Town Board reconvened into Executive Session at 8:58 p.m. The Executive Session concluded at 11:25 p.m. and the meeting was closed on the duly adopted motion of Councilman D'Angelo.

Anne Curran, Town Clerk

Dated: February 24, 2014