

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
April 9, 2014

The meeting was called to order at 5:05 p.m. by Supervisor Schiliro for a work session. Councilman D'Angelo, Councilman DiGiacinto, the Town Attorney and the Town Administrator were also present. Councilman Berra recused himself from the work session. The work session was adjourned into an executive session at 6:00 pm. Supervisor Schiliro, Councilmen D'Angelo, DiGiacinto, and Berra, the Town Attorney and the Town Administrator were present for the executive session which closed at 7:30 p.m. The Deputy Town Clerk joined the regular meeting which reconvened at 7:33 p.m.

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

Deputy Town Clerk	Barbara Pesquera
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman Reiter was absent from the meeting.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of the minutes of the March 26, 2014 meeting.

Vote: Unanimous.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of map, plan and report regarding Long Pond Dam Maintenance District.

The roll call was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Supervisor Schiliro

Noes: None

Abstain: Councilman Berra recused himself

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to execute a Settlement Agreement and General Release in a matter titled Linda DiFiore vs. Town of North Castle, et al.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of letter from Director of Planning Kaufman regarding Affordable Affirmatively Furthering Fair Housing proposed Local Law, and further moved authorization to schedule a Public Hearing on April 23, 2014.

Vote: Unanimous

Supervisor Schiliro gave an overview of the mission of the NWEAC organization which consists of 16 municipalities in Westchester County who work together to:

- reduce our reliance on fossil fuels
- increase energy efficiency in our communities
- save money for residents and businesses
- increase economic activity
- align our local efforts with county, state and federal initiatives
- enable renewable energy generation

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval to participate in NWEAC (Northern Westchester Energy Action Consortium) and to pay the 2014 annual payment of \$1,000 to NWEAC per the inter-municipal agreement of April 21, 2010.

Town Board Minutes  
April 9, 2014

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of letter from Westchester County regarding License Agreement for Fisher Lane Commuter Parking lot, with an annual license fee paid to the County of \$29,577, and authorization for the Supervisor to sign the agreement for the period April 1, 2014 to March 31, 2015.

Vote: Unanimous

The Town Administrator said there is a clause under General Municipal Law, Section 103, called "Piggybacking" Law, which allows government entities to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by other government entities. The contract must be made available for use by other governmental entities. Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of requests from General Foreman Norris to award bids for all highway materials (detailed below) with the inclusion of a clause extending the terms and conditions of the contracts to other governmental entities.

AGGREGATES

Bank Run	\$27.00 per ton	Red Wing Properties, Stormville, NY
Washed Stone	¼" \$26.00 per ton del.	Thalle Industries, Inc., Fishkill, NY
	3/8" \$25.00 per ton del.	Thalle Industries
	¾" \$25.00 per ton del.	Thalle Industries
	1-1/2" \$25.00 per ton del.	Thalle Industries
Washed Limestone	¾" \$24.90 per ton del.	Putnam Materials, White Plains, NY
	1-1/2" \$24.90 per ton del.	Putnam Materials
Shoulder Material	\$17.50 per ton del.	Thalle Industries, Fishkill, NY
Screened Top Soil	\$35.00 per ton	Red Wing Properties, Stormville, NY

Canal Asphalt:

403.138902-Type 3 Binder	\$77.20 per ton FOB
403.118902-Type 1 Base	\$77.20 per ton FOB

Peckham Materials:

STONE SPREADER W/OPERATOR	
Price per 8 hour day	\$1,760.00 per day
Rubber Tire Roller w/Operator	\$1,160.00 per day
Charge to Move In/Out	\$ 750.00 per day
Cationic emulsion CRS-2P	\$ 2.43 per gallon applied
BITUMINOUS CONCRETE	
403.178302 Top Coarse Type 6F	\$77.40 per ton FOB
403.198302 Top Coarse Type 7F	\$77.40 per ton FOB
714.06 Asphalt Curb	\$87.40 per ton FOB
402-128102 12.5 MM S/P Top	\$77.40 per ton FOB
402-258901 25.0 MM S/P Binder	\$77.40 per ton FOB
402-378901 37.5 MM S/P Base	\$77.40 per ton FOB
402-068101 6.3 POLY MOD S/P Top	\$82.40 per ton FOB
404-178902 6F3 Top Warm Mix	\$79.40 per ton FOB
404-118902 Type 1 Base Warm Mix	\$79.40 per ton FOB

Award bid for Stone Spreader w/Operator to Peckham Materials. Award bid for asphalt to Peckham Materials, with exception of Type 3 Binder and Type 1 Base which bid award is to Canal Asphalt.

WINTER MATERIALS

SKID CHAIN

Clawcross	\$518.00 per 100 ft.	Chemung Supply Corp., Elmira, NY
Sidechain	\$269.00 per 100 ft.	Chemung Supply Corp.
Pewag #1007	\$508.00 per 100 ft.	Chemung Supply Corp.
Pewag #1007	\$269.00 per 100 ft.	Chemung Supply Corp.
J Hooks	\$ 3.20 a piece	Chemung Supply Corp.

Town Board Minutes

April 9, 2014

LIQUID CALCIUM CHLORIDE     \$1.029 per gallon     Peckham Materials, Athens, NY

SNOW PLOW AND GRADER BLADES

6"x5/8" thickness (Western)	\$ 9.75 per ft, Chemung Supply, Elmira, NY
8"x5/8" thickness	\$12.94 per ft, Chemung Supply
8"x5/8" thickness 3 section for Tenco	\$13.94 per ft. Chemung Supply
8"x5/8" thickness 3 section for Henderson	\$13.94 per ft, Chemung Supply
CARBIDE BLADES	\$50.94 per ft, Chemung Supply

Approval of the above.

LAID IN PLACE ASPHALT

Bilotta Construction:	403-138902-Type 3 Binder In-Place	\$84.60 per ton
	403-138902-Type 3 Binder In-Place w/Tack Coat	\$86.10 per ton
	403-178302-6F Top In Place	\$83.84 per ton
	403-178302-6F Top In Place w/Tack Coat	\$84.10 per ton
	403-198302-7F Top In-Place	\$94.00 per ton
	403-198302-7F Top In-Place w/Tack Coat	\$94.50 per ton
	402-128102-12.5 MM S/P Top In-Place	\$87.40 per ton
	402-128102-12.5 MM S/P Top In-Place w/Tack Coat	\$87.90 per ton
	402-258901-25.0 MM S/P Binder In-Place	\$87.40 per ton
	402-258901-25.0 MM S/P Binder In-Place w/Tack Coat	\$87.90 per ton
	401-378901-37.5 MM S/P Base In-Place	\$87.40 per ton
	402-378901-37.5 MM S/P Base In-Place w/Tack Coat	\$87.90 per ton
	402-068101-6.3 Poly Mod S/P Top In-Place w/Tack Coat	\$94.45 per ton
	404-118902-Type 1 Warm Base Mix In Place	\$85.50 per ton
	404-118902-Type 1 Warm Base Mix In-Place w/Tack Coat	\$86.38 per ton
	404-178902-6F Top Warm Mix In-Place	\$84.86 per ton
	404-178902-6F Top Warm Mix In-Place w/Tack Coat	\$86.36 per ton
	403-118902-Type 1 Base In Place	\$84.60 per ton
	403-118902-Type 1 Base In Place w/Tack Coat	\$86.10 per ton
ELQ Industries:	403-138902-Type 3 Binder In-Place w/Keys	\$93.91 per ton
	403-178302-6F Top In Place w/Keys	\$93.91 per ton
	403-198302-7F Top In-Place w/Keys	\$101.91 per ton
	402-128102-12.5 MM S/P Top In-Place w/Keys	\$93.91 per ton
	402-258901-25.0 MM S/P Binder In-Place w/keys	\$93.91 per ton
	402-378901-37.5 MM S/P Base In-Place w/Keys	\$93.91 per ton
	402-068101-6.3 Poly Mod S/P Top In-Place	\$93.45 per ton
	402-068101-6.3 Poly Mod S/P Top In-Place w/Keys	\$99.91 per ton
	404-118902-Type 1 Warm Base Mix In-Place w/Keys	\$95.91 per ton
	404-178902-6F Top Warm Mix In-Place w/Keys	\$95.91 per ton
	403-118902-Type 1 Base In Place w/Keys	\$95.91 per ton

For the certain types of asphalt listed above, the award of bid is to Bilotta Construction and ELQ Industries.

Award of bid for installation of pavement markings on Town roads to the lowest bidder, Sealcoat USA, Inc., for a total cost of \$472.00 per linear mile.

Award of bid for guide rail installation to the sole bidder, Chemung Supply Corp. as follows:

1. Galvanized corrugated beam rail 12 ft. 6 in. post spacing, installed to NYSDOT specifications.  
Complete layout and installation     \$22.94 per linear foot
2. Galvanized corrugated beam rail, 6 ft. 3 in. post spacing, installed to NYSDOT specifications  
Complete layout and installation     \$28.44 per linear foot
3. Galvanized 6 in. x 6 in. box beam rail, including all splice plates, hardware, etc.  
Installed to NYSDOT specifications  
Using type one end sections     \$41.40 per linear foot  
Using type two end sections     \$50.80 per linear foot
4. 6 in. x 6 in. box beam rail shop cut and metered curve     \$79.20 per linear foot

Town Board Minutes

April 9, 2014

Award of bids for Precast Concrete Structures (Catch Basins) is to the following low bidders:

30"x48" CATCH BASIN STRUCTURE WITH FOUR (4) KNOCKOUTS			
1CB-NS3	3' DEPTH WITHOUT SUMP	Expanded Supply Products	\$290.00
1CB-S3	3' DEPTH WITH SUMP	Expanded Supply Products	\$290.00
1CB-NS4	4' DEPTH WITHOUT SUMP	M&M Precast	\$325.00
1CB-S4	4' DEPTH WITH SUMP	Expanded Supply Products	\$335.00
1CB-NSS	5' DEPTH WITHOUT SUMP	M&M Precast	\$356.00
1CB-S5	5' DEPTH WITH SUMP	Expanded Supply Products	\$559.00
1CB-NS6	6' DEPTH WITHOUT SUMP	Expanded Supply Products	\$675.00
1CB-S6	6' DEPTH WITH SUMP	Expanded Supply Products	\$675.00
FRAMES AND GRATES		Expanded Supply Products	\$470.00
ALTERNATE FRAMES AND GRATES		Expanded Supply Products	\$490.00

1D1 30"x30" DRAIN INLET WITH FOUR (4) KNOCKOUTS			
1D1-NS3	3' DEPTH WITHOUT SUMP	Expanded Supply Products	\$260.00
1D1-S3	3' DEPTH WITH SUMP	Expanded Supply Products	\$260.00
1D1-NS4	4' DEPTH WITHOUT SUMP	Chemung Supply Corp.	\$392.00
1D1-S4	4' DEPTH WITH SUMP	Chemung Supply Corp.	\$392.00
1D1-NS5	5' DEPTH WITHOUT SUMP	Chemung Supply Corp.	\$474.00
1D1-S5	5' DEPTH WITH SUMP	Chemung Supply Corp.	\$474.00
1D1-NS6	6' DEPTH WITHOUT SUMP	Chemung Supply Corp.	\$533.00
1D1-S6	6' DEPTH WITH SUMP	Chemung Supply Corp.	\$533.00
FRAMES AND GRATES		Expanded Supply Products	\$288.00
ALTERNATE FRAMES AND GRATES		Expanded Supply Products	\$293.00

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, approval of request from Director of Water and Sewer Dept., Misiti, to re-bid roof replacement for wastewater treatment plant.

Vote: Unanimous.

Councilman D'Angelo moved, seconded by Councilman Berra, approval of request from Director of Water and Sewer Dept, Misiti, to go to bid for construction/rehabilitation of three windmills.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval to award bid for replacement of copy machines to the lowest bidder, Ricoh Corporate, for \$62,438.00.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the adoption of a serial bond resolution for up to \$55,000 for financing of replacement of office copy machines. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Councilman D'Angelo	Aye
Councilman DiGiacinto	Aye
Councilman Berra	Aye
Supervisor Schiliro	Aye
Councilman Reiter	Absent

Councilman Berra moved, seconded by Councilman D'Angelo, approval of request from Acting Superintendent of Recreation and Parks, Matt Trainor, to circulate an RFP (request for proposal) for repairs to the Gazebo in Wampus Brook Park North for an anticipated cost of between \$30,000 - \$35,000 which would be paid for from the General Fund.

Vote: Unanimous

Town Board Minutes

April 9, 2014

Councilman D'Angelo moved, seconded by Councilman Berra, the award of bid for pool rental for summer camp to the North Castle Pool & Tennis Club, LLC, the sole bidder, for \$56,000, and further authorized the Supervisor to sign the agreement.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of memo from Anthony Futia requesting Town Board consideration of putting the Ward system for voting on a future ballot.

Vote: Unanimous

Consideration of the proposal from Hydro Environmental for environmental assessment of 533-535 Main Street was tabled.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement with Pat Corsetti, Inc. for playground maintenance and repairs for a cost of \$28,360, which will be paid for from the General Fund.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the scanning services agreement with General Code for the Building Department for an estimated project investment of \$7,946.25.

Vote Unanimous.

Councilman D'Angelo moved, seconded by Councilman Berra, approval of terminal leave payment for Detective Sergeant, Mark Thomas.

Vote Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of letter of retirement from Mercedes Rogers, Assessor's office, effective April 3, 2014.

Vote: Unanimous

The request for approval of terminal leave payment for Mercedes Rogers was tabled.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, the appointment of Christine Eggleton to the Housing Board for a term to expire on December 31, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of Town Clerk's monthly report for March, 2014.

Vote: Unanimous

The Town Board audited and approved payments totaling \$485,831.21 as indicated on Warrant #7.

After all persons were heard who desired to be heard, the Supervisor adjourned the regular meeting and the Town Board reconvened into Executive Session at 8:53 p.m. in memory of resident George Krell, former resident and past Chief of Armonk Independent Fire Company.

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Anne Curran, Town Clerk

Dated: April 18, 2014

**EXTRACTS FROM MINUTES OF MEETING OF THE TOWN BOARD  
OF THE TOWN OF NORTH CASTLE,  
COUNTY OF WESTCHESTER, STATE OF NEW YORK**

*(\$55,000 - Copier)*

A regular meeting of the Town Board of the Town of North Castle, located in Westchester County, New York, was held at Town Hall, in Armonk, New York, on April 9, 2014 at 7:30 o'clock, P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

**PRESENT:**

Supervisor Michael Schiliro

Councilman Stephen D'Angelo

Councilman Barbara DiGiacinto

Councilman José Berra

**ABSENT:** Councilman Barry Reiter

**ALSO PRESENT:**

Deputy Town Clerk Barbara Pesquera

Town Attorney Roland A. Baroni, Jr.

Town Administrator Joan Goldberg

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Councilman Stephen D'Angelo submitted the following resolution and moved for its adoption. The motion was seconded by Councilman Barbara DiGiacinto. The Town Board of the Town was polled. The motion was adopted by a vote of four affirmative votes (being at least two-thirds of the voting strength of the Town Board of the Town) with no negative votes and one vote absent.

**BOND RESOLUTION, DATED APRIL 9, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$55,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE TOWN OF NORTH CASTLE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE CERTAIN OFFICE EQUIPMENT FOR THE TOWN.**

**WHEREAS**, the Town Board of the Town of North Castle, located in the County of Westchester, in the State of New York (the “Town”) hereby determines that it is in the public interest of the Town to authorize the financing of certain office equipment for the Town, at a total cost not to exceed \$55,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Town in the aggregate principal amount of up to \$55,000, pursuant to the Local Finance Law, in order to finance certain office equipment for the Town (the “Project”).

Section 2. It is hereby determined that the Project is a specific object or purpose described in subdivision 72 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is five (5) years. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of issuance of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Town Board of the Town has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$56,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Town Board of the Town plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, and to levy and collect taxes on all taxable real property in the Town to pay the principal on such serial bonds or bond anticipation notes and the interest due thereon; (d) the maturity of the obligations authorized herein may not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for the Project for which proceeds of obligations are to be applied to reimburse the Town, the Town Board of the Town took “official action” for federal income tax purposes to authorize the financing of the Project.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in

anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town. The Town Supervisor is hereby authorized to execute, on behalf of the Town, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Town Clerk is hereby authorized to affix the seal of the Town (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Town Supervisor.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. Prior to the issuance of the obligations authorized herein, the Town Board of the Town shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Town Board of the Town will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Town Board of the Town that the Project will not have a significant effect on the environment.

Section 7. The Town hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Town made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Town.



Section 8. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Town agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Town’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Town Supervisor is authorized and directed to sign and deliver, in the name and on behalf of the Town, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Town Clerk, which shall constitute the continuing disclosure agreement made by the Town for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Town and that are approved by the Town Supervisor on behalf of the Town, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Town’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Town would be required to incur to perform thereunder. The Town Supervisor is further authorized and directed to establish procedures in order to ensure compliance by the Town with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Town Supervisor shall consult with, as appropriate, the Town Attorney and bond counsel or other qualified independent special counsel to the Town and shall be entitled to rely upon any legal advice provided by the Town Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This bond resolution shall take effect immediately upon its adoption by the Town Board of the Town.

I, **BARBARA PESQUERA**, Deputy Clerk of the Town of North Castle, located in the County of Westchester, State of New York (the “Town”), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town was duly held on April 9, 2014, and minutes of such meeting have been duly recorded in the Minute Book kept by the Town Clerk in accordance with the law for the purposes of recording the minutes of meetings of the Town Board of the Town.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Town Board of the Town who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town, this 9<sup>th</sup> day of April, 2014.

(SEAL)

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**BARBARA PESQUERA**  
Deputy Town Clerk  
Town of North Castle, New York