

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 24, 2022

The Town Board meeting was called to order at 5:30 p.m. at the Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman DiGiacinto. 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 6:50 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 closed at 7:45 p.m. The regular meeting reconvened at 7:47 p.m. and the following persons were present:

Present: Supervisor: Michael Schiliro
Councilman: Barbara DiGiacinto
Councilman: José Berra
Councilman: Saleem Hussain
Councilman: Matt Milim
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Town Administrator: Kevin Hay

A Public Hearing was held to consider a Local Law authorizing the public bodies of the Town to use videoconferencing technology to participate in public meetings pursuant to Public Officers Law § 103-a.

The Minutes of the Public Hearing, which opened at 8:15 p.m., follow at the end of these Minutes.

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, approval of public participation via videoconference at the June 8, 2022 Town Board Meeting.
The roll call vote was as follows:

Ayes: Councilman: Saleem Hussain, Councilman: Matt Milim, Councilman: José Berra
Noes: Councilman: Barbara DiGiacinto, Supervisor: Michael Schiliro

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, to agendize on the June 8, 2022 Town Board Meeting agenda, the consideration of public participation via videoconference at future Town Board Meetings.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approved the Town Board Minutes: May 11, 2022.
Vote- Unanimous

The Bonadio Group gave a presentation regarding the Annual Comprehensive Financial Report, together with the Independent Auditor's Report for the year ended December 31, 2021; and the Justice Court Independent Accountant's Report, December 31, 2021.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of Annual Comprehensive Financial Report, together with the Independent Auditor's Report for the year ended December 31, 2021; and the Justice Court Independent Accountant's Report, December 31, 2021.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request from Director of Water and Sewer Operations Sal Misiti to sell used meter reading equipment back to vendor Rio Supply Inc.
Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of request from Recreation and Parks Superintendent Matt Trainer to purchase a Smithco Sandpro machine from Turf Products from the Sourcewell Contract in the amount of \$29,006.93, as accounted for in the 2022 Parks Operating Budget.

Vote- Unanimous

In regard to a proposed Zoning Text Amendment for The Happy Cat Hotel & Spa, 7 MacDonald Avenue, Armonk, a cat only boarding and grooming facility in the Professional Business Office (PBO) Zoning District, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of letter from Christina Marrazza, dated May 6, 2022; Declaration of Intent of the Town Board to Act as Lead Agency; and referral to Town and County Planning Boards.

Vote- Unanimous

Note: As of June 8, 2022, this application has been withdrawn at the applicant's request.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request from Jewish Board of Family and Children Services for use of roads and parks for cycling event Sunday, September 18, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, acceptance of Interim and Annual MS4 Stormwater Reports for period ending March 9, 2022 from Town Engineer Kellard Sessions, and authorization for the Supervisor to sign the reports.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for Special Counsel William Maker of Maker, Fragale & Di Costanzo, LLP to execute Consent Judgment in the Matter of Whippoorwill Club, Inc. v Bd. Of Assessors et al. Index Nos.: 64306/16, 65758/17, 65934/2018, 66458/2019, 60869/2020 and 62975/2021.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request for permit from DeCicco & Sons for sale of alcohol at the Armonk Lions Club Fol-De-Rol at Wampus Brook Park, June 2- 5, 2022.

Vote- Unanimous

In regard to the recommendation from the Planning Board to hire a third-party hydrogeologist to review the Summit Club at Armonk submission to New York State Department of Environmental Conservation (NYSDEC) and the Westchester County Department of Health, the Town Board modified the Resolution (see below).

In regard to the Amended and Restated Water District Contribution Agreement with Summit Club Partners LLC, (formerly Brynwood) and Resolution regarding Water District No. 2B, the Town Board took the following actions:

- Councilman: Barbara DiGiacinto moved, seconded by Councilman: Matt Milim, adoption of Resolution as amended to include the following language: Resolved, that the Town shall retain a third party hydrologist to review the Summit Club water supply submission to the NYS Department of Environmental Conservation (NYSDEC) and the Westchester County Board of Health (WCBOH) and that the submission to be reviewed be made available to the third party hydrologist at the time of initial submission to NYSDEC and WCBOH during the Summit Club's permitting process.

The Resolution follows at the end of the Minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Milim, Hussain, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

- Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign the agreement, as amended.
The roll call vote was as follows:
Ayes: Councilmen DiGiacinto, Milim, Hussain, Supervisor Schiliro
Noes: None
Abstained: Councilman Berra
- Councilman: Matt Milim moved, seconded by Councilman: Barbara DiGiacinto; recommendation to the Planning Board to establish a performance bond to ensure that the new wells put into service by Summit Club Partners LLC do not interfere with resident wells within a 1,500 feet radius.
Vote- Unanimous

The proposal from SeeClickFix, Inc. was tabled.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign Summer Camp Bus Lease Agreement with Byram Hills Central School District effective June 27, 2022 to August 5, 2022.
Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, appointment of Georgann Richardson to the position of Assessor, effective May 25, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, appointment of Mergim Demaku to Laborer, Highway Department, effective May 31, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, appointment of Aaron Trabakino to Seasonal Laborer, Highway Department, effective May 31, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, appointment of Matthew Zingaro to Seasonal Laborer, Parks Department, effective May 31, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, appointment of Jacob Day to Seasonal Laborer, Parks Department, effective June 6, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request from Angela Cooke to attend the American Library Association Annual Conference in Washington DC, June 23 to 28, 2022.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of resignation of Farva Jafri from the Library Board, effective immediately.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, appointment of Ray Rodriguez to the Assessment Review Board to fill a vacated seat for a five-year term to expire September 30, 2026.
Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, reappointment of George Drapeau to the Conservation Board for a two-year term to expire April 8, 2024
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of Consensus Agenda as follows:

- Audit and approval of payments in the amount of \$11,523,759.98 as indicated on Warrant No. 10 dated May 24, 2022.
- Receipt of Cable Franchise Fees for 1st Quarter 2022 from Cablevision/Altice and Verizon FIOS.
- Release of Highway Bonds:
 - Cross County Asphalt – Permit 1182 for a driveway alteration at 11 Barnard Road in the amount of \$1,200.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 11:04 p.m. in memory of longtime resident Bonalea R. Eisenhower.

Alison Simon, Town Clerk

Dated: June 3, 2022

On a motion made by Councilman DiGiacinto and seconded by Councilman Milim, the following resolution was adopted:

WHEREAS, Brynwood Partners LLC (“Brynwood”), the former owner of the property in the Town commonly known as 568 and 570 Bedford Road and designated on the Tax Assessment Map of the Town as Section 101.02, Block 1, Lots 28.1 and 28.2 (together, the “Property”), submitted a petition to the Town Board dated September 2, 2015 (the “Water District Petition”), for extension of Town of North Castle Water District No. 2 (“Water District No. 2”) pursuant to Section 190 of New York Town Law, to encompass the Property; and

WHEREAS, on April 13, 2016, the Town Board granted the Water District Petition, and adopted a Resolution extending Water District No. 2 to encompass the Property; and

WHEREAS, Brynwood and the Town subsequently entered into a certain Water District Agreement dated as of April 13, 2016 (the “Original Agreement”), pursuant to which, among other things, Brynwood agreed at its cost and expense and no expense to the Town or the Water District to develop at the Water District’s existing well field on Long Pond Road (the “Well Field”) a new supply well or wells to serve the entire Water District No. 2 including the Property, and construct and/or install other Water District No. 2 improvements; and

WHEREAS, despite best efforts in collaboration with the Town, Brynwood was unable to develop any satisfactory new supply wells at the Well Field having sufficient capacity to meet the demand of the Project and needs of the Town; and

WHEREAS, Summit Club Partners LLC (“Summit”) is the successor to Brynwood, and the current owner of the Property; and

WHEREAS, Summit now intends to develop at the Property the golf course community known as “The Summit Club at Armonk” (the “Project”), and proposes to supply water for the Project from wells at the Property, and to at its cost and expense construct/install at the Property such water treatment facilities, distribution mains, and related improvements as are necessary to serve the Project (collectively, the “Water Supply and Distribution Facilities”); and

WHEREAS, Summit has proposed that Water District No. 2 be bifurcated into two (2) separate and independent sub-districts: Town of North Castle Water District No. 2A (“Water District No. 2A”), encompassing all of the territory of Water District No. 2 except the Property; and Water District No. 2B, solely encompassing the Property; and

WHEREAS, Summit and the Town will enter into a certain Amended and Restated Water District Contribution Agreement (the “Amended Agreement”), pursuant to which Summit shall offer to dedicate and transfer the Water Supply and Distribution Facilities to the Town, without any cost or expense to the Town or Water District No. 2B, for use by Water District No. 2B as public facilities, and upon acceptance by the Town of dedication and transfer of ownership to the Town (“Dedication”), the Water Supply and Distribution Facilities shall be owned and operated by Water District No. 2B; and

WHEREAS, pursuant to the Amended Agreement, from and after Dedication, water supplied to the Property by Water District No. 2B shall be used solely to serve (i) the domestic (potable) water demand of the Project, and (ii) Project building fire suppression (sprinkler) systems, and on-site fire hydrants, and no other uses or purposes, and that irrigation water for the Project (including the 18-hole golf course on the Property operated by the Club) shall primarily be supplied by the surface water source(s) on the Property that currently supply irrigation water, and secondarily by one or more existing on-site wells, which shall not be owned or used by Water District No. 2B; and

WHEREAS, pursuant to the Amended Agreement, from and after Dedication, the expenses of operation, maintenance, repair, replacement, and/or restoration of the Water Supply and Distribution Facilities shall be assessed, levied and collected from owners of the property within Water District No. 2B in accordance with applicable provisions of Sections 202 and 202-a of New York Town Law, including but not limited to the owners of the condominium residences of the Community, each of which shall constitute one (1) “unit,” the same as all single-family residential lots in Water District No. 2A; and

WHEREAS, there are no existing improvements, facilities, or infrastructure of Water District No. 2 at the Property.

NOW, THEREFORE, BE IT RESOLVED, that the bifurcation of Water District No. 2 and the entry by the Town into the Amended Agreement is in the public interest; and

BE IT FURTHER RESOLVED, that Water District No. 2 is hereby bifurcated into two (2) separate and independent sub-districts: Town of North Castle Water District No. 2A, encompassing all of the territory of Water District No. 2 except the Property; and Town of North Castle Water District No. 2B, solely encompassing the Property. The legal description of the Property and of Water District No. 2B is attached as Exhibit A to this Resolution; and

BE IT FURTHER RESOLVED, that the Amended Agreement is hereby approved, subject to such minor, non-material changes as are satisfactory to the Town Attorney; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into the Amended Agreement; and

BE IT FURTHER RESOLVED, that the Town shall retain a third-party Hydrogeologist to review the Summit Club water supply submission to the NYS Dept of Environmental Conservation (“NYSDEC”) and the Westchester County Department of Health (“WCDOH) and that the submission to be reviewed be made available to the third-party Hydrogeologist at the time of initial submission to NYSDEC and WCDOH during the Summit Club’s permitting process; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately.

COUNCILMAN DiGIACINTO	VOTING	AYE
COUNCILMAN BERRA	VOTING	ABSTAINED
COUNCILMAN HUSSAIN	VOTING	AYE
COUNCILMAN MILIM	VOTING	AYE
SUPERVISOR SCHILIRO	VOTING	AYE