

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
December 14, 2022

The Town Board Meeting was held in person at 15 Bedford Road, Armonk, New York and via videoconference. The Meeting was called to order at 6:45 p.m. and 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 in person for the Executive Session, with the exception of Councilman Berra who participated via videoconference.

The Executive Session closed at 7:30 p.m. The regular meeting reconvened at 7:41 p.m.

The following persons were present in the Meeting Room:

Supervisor: Michael Schiliro

Councilman: Barbara DiGiacinto

Councilman: Saleem Hussain

Councilman: Matt Milim

Town Clerk: Alison Simon

Town Attorney: Roland A. Baroni

Town Administrator: Kevin Hay

The following person participated via videoconference:

Councilman: José Berra

A Public Hearing was reconvened to consider adoption of the 2023 Town and Special Districts Preliminary Budgets.

The Minutes of the Public Hearing, which reconvened at 7:54 p.m., follow at the end of these minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of Town Board Minutes: November 16, 2022; and Special Meeting November 30, 2022.

Councilman Berra recused himself from the vote on the November 30, 2022 Special Meeting Minutes because he was not present at this meeting.

Vote- Unanimous

Regarding Praise Church, 901 North Broadway, North White Plains, Special Use Permit (SUP) Application and Site Plan Approvals Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of letter from Director of Planning Adam Kaufman, dated December 5, 2022. Councilman: José Berra moved, seconded by Councilman Matt Milim, referral of Lot Coverage Variance request to the Zoning Board of Appeals; referral of SUP to Westchester County Planning Board; and the scheduling of a Public Hearing on January 25, 2023.

Vote- Unanimous

Regarding Bedrock Plaza Corp. Special Use Permit (SUP) Application for more than one residential use within a building located at 731 N. Broadway, North White Plains in the Central Business (CB) Zoning District, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of the following: Letter from Bedrock Plaza Corp., dated December 1, 2022; Special Use Permit Application; Short Environmental Assessment Form, Part 1; Planning Board recommendation, dated November 29, 2022; and the scheduling of a Public Hearing on January 11, 2023.

Vote- Unanimous

Regarding request to sell Town-owned property known as “Cross Road” (connecting Pine Ridge Road to The East Way a/k/a Old Hickory Way) to Oliver and Samantha Marinovic, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of the following:

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North Castle Planning Board recommendation, dated November 29, 2022; Police Department and Banksville Fire Department emails, dated December 8, 2022; and request for Town Assessor Georgann Richardson to obtain an appraisal to value the property using Uniform Standards of Professional Appraisal Practice (USPAP) standards and to use these standards to consider the value the purchase of this property will add to the purchasers property; and authorization for the Town Attorney Roland Baroni to request that the purchaser propose a purchase price for the property to the Town.

Vote- Unanimous

Regarding amendments to the Summit Club at Armonk (formerly Brynwood) existing Temporary Special Use Permit (SUP) for operation of the Golf Course and request to issue a new SUP for the Golf Club: Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of North Castle Planning Board recommendation regarding temporary SUP, dated November 15, 2022; letter from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated December 7, 2022; proposed Conservation Easement and Declaration of Restrictions and Covenants; referral of Conservation Easement to the Open Space Committee; referral of the new SUP Application to the North Castle Planning Board and County Planning Board; and consideration of a new SUP Application for the Golf Club.

Vote- Unanimous

Receipt of documents regarding the dedication of Shoemaker Lane to the Town of North Castle was tabled.

Regarding proposed hotel at Eagle Ridge development, 3 North Castle Drive, Armonk (108.03-1-62.1): Councilman: José Berra moved, seconded by Councilman: Matt Milim, receipt of recommendation from the North Castle Planning Board, dated October 14, 2022; memo from the Conservation Board, dated November 29, 2022; and adoption of Amended State Environmental Quality Review Act (SEQRA) Environmental Findings Statement, dated December 14, 2022. Councilman Hussain recused himself from the discussion and vote because he is an employee of the adjacent property owner IBM.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman Matt Milim, receipt of letter from Director of Planning Adam Kaufman regarding Airport Campus development alternatives, dated November 21, 2022.

Vote- Unanimous

Regarding request from Michael Fareri to amend Chapter 355 Zoning, Section 355-28 Additional R-MF-SS Residence District Regulations, to revise Subsection C. AFFH Units to receive a permanent certificate of occupancy by December 31, 2024 regarding 162 Bedford Road, Armonk (formerly known as the Lumberyard): Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, request for Director of Planning Adam Kaufman to prepare amended Local Law and Short Environmental Assessment Form (EAF); referral to the Town Planning Board and County Planning Board, and the scheduling of a Public Hearing on January 11, 2023.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of Notice of Waiver of Application Process Restriction Law from Building Inspector Robert Melillo regarding Joseph Gentile, 9 Barnard Road, Armonk, dated December 2, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of memo from Town Engineers Kellard Sessions regarding assignment of new street addresses for 86 and 88 Byram Ridge Road, Armonk; and referral to Town E-911 Coordinator.

<u>Section, Block, Lot # (Existing)</u>	<u>Address (Existing)</u>	<u>Address (New)</u>
Section 101.01, Block 2, Lot 65	Byram Ridge Road	88 Byram Ridge Road

<u>Section, Block, Lot # (Existing)</u>	<u>Address (Existing)</u>	<u>Address (New)</u>
Section 102.01, Block 2, Lot 64	88 Byram Ridge Road	86 Byram Ridge Road

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of memo from Town Engineers Kellard Sessions regarding assignment of new street address for 45 Hurlingham Drive, Armonk; and referral to Town E-911 Coordinator.

<u>Section, Block, Lot # (Existing)</u>	<u>Address (Existing)</u>	<u>Address (New)</u>
Section 102.04, Block 1, Lot 26	45 Hurlingham Drive	26 Hurlingham Drive
Vote- Unanimous		

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of recommendation from Conservation Board regarding 25 Edgar Road, dated December 7, 2022, for the Town's acceptance of trees as payment in lieu of fines and a 2:1 mitigation plan as defined by Town Code; and authorized Town Attorney Roland Baroni to communicate with the Conservation Board Co-Chairs regarding this matter. Councilman DiGiacinto recused herself from the discussion because her brother-in-law is the property owner.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: Reichgut v. Town of North Castle, Index No. 64924/21, et al.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of new Liquor License Application from Chapinlandia Food Group Inc., 736 North Broadway, North White Plains.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of memo from Director of Water & Sewer Operations Sal Misiti, dated November 29, 2022, regarding proposal from A I Engineers for Quarry Heights Potential Water System Feasibility Study; and authorization for the Supervisor to sign the agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of memo from Director of Water & Sewer Operations Sal Misiti, dated December 8, 2022, regarding amendment to agreement with Langan Engineering for Consulting Services in Water District No. 2 related to Windmill Wells PFOA treatment; and authorization for the Supervisor to sign the amended agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of memo from Director of Water & Sewer Operations Sal Misiti, dated December 7, 2022, regarding amendment to the Spectraserv contract to provide for a fuel surcharge during the Sewer District No. 2 Sludge Hauling Contract to extend the term through 2023; and authorization for the Supervisor to sign the amended agreement.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of memo from Director of Water & Sewer Operations Sal Misiti, dated December 8, 2022, regarding amendment to the Slack Chemical Co., Inc. Sewer District No. 2 Methanol Supply Contract to extend the term through 2023; and authorization for the Supervisor to sign the amended agreement.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Supervisor: Michael Schiliro, authorization for the Supervisor to sign the agreement with Bond Schoeneck & King (BSK) for legal services with regard to labor matters for the period of December 15, 2022 through December 31, 2023; and authorization for the Supervisor to sign engagement agreements.

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign engagement agreements with Bonadio & Co. regarding 2022 financial audits for a fee of \$46,000.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign the proposal from Atlantic Sport Floors for the repainting and finishing of the gym floor at the North Castle Community Center, North White Plains, at a cost of \$15,750 to be paid from Fund Balance.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign the Amendment to Purchase and Sale Agreement with Anita Louise Ehrman (ALE) Recreation Center for a maximum fee of \$20,000 plus the cost of any necessary publication and/or other required notice to bond holders.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign agreement with WeatherWorks for weather consulting services for 2023 for a fee of \$1,825.

Vote- Unanimous

Supervisor: Michael Schiliro moved, seconded by Councilman: Barbara DiGiacinto, authorization for Supervisor to sign agreement with The Arc Westchester for maintenance of Main Street, Armonk for 2023.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Barbara DiGiacinto, authorization for the Supervisor to sign the proposal from CivicPlus LLC for Town website upgrade for a total first year investment of \$46,365.36 and an annual recurring fee of \$13,643.70.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of probationary promotional of Joseph Caruso to Motor Equipment Operator, Highway Department, effective December 19, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of probationary appointment of Andrew Rossi to Laborer, Highway Department, effective December 19, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of letter of resignation from Mergim Demaku from Laborer, Highway Department, effective December 16, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of resignation for purposes of Retirement from Valerie Desimone, Planning Department, effective January 31, 2023.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of reappointment of Susan Shimer to the Board of Ethics for a five-year term to expire November 1, 2027.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of reappointment of John Krupa to the Conservation Board for a two-year term to expire November 1, 2024.

Vote- Unanimous

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

- Audit and approval of payments in the amount of \$4,200.803.48 as indicated on Warrant No. 22 dated December 14, 2022.
- Town Clerk's Report: November 2022.
- Receipt of Franchise Fee payments, 3rd Qtr. 2022 from Cablevision/Altice and Verizon.
- Release of Highway Bonds:
 - American Building Tech - Permit 1173 for a curb cut at 1 Shoemaker Lane in the amount of \$1,200.
 - Pietro DiSisto, Inc - Permit 1217 for a driveway alteration at 8 Creemer 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 11:09 p.m. in memory of Carmelita Kingsley, former resident and mother-in-law of Roland Baroni, Town Attorney and Irwin Amdur, friend of Councilman Berra.

Alison Simon, Town Clerk

Dated: December 20, 2022