

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
March 13, 2013

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. All Town Board members, the Town Attorney and Town Administrator were present for the executive session which closed at 7:25 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 p.m. and the following persons were present:

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro
	Diane DiDonato Roth
	John J. Cronin
	Stephen D'Angelo
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

With regard to the refurbishing of the Eagle and associated plantings by the Beautification Committee, Connie Quarrie spoke about the Armonk Eagle. Connie named the residents who were responsible for constructing and painting the 40 foot Bicentennial Eagle, after which Orestes Mihaly gave a short history on the Eagle. Nanette Yaroscak addressed the Board on behalf of the Eagle Restoration Committee, including Councilman Diane DiDonato Roth, Angela Montforte and Connie Quarrie, and said they would like to start the process of replacing the eagle with a more permanent structure. Town engineering consultant, Kellard Sessions, is completing the specifications for bids and will be helping them with the selection of materials. Mrs. Yaroscak added that the cost of the project would be funded by donations.

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of the minutes of the February 27, 2013 meeting.

The roll call was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Councilman D'Angelo moved, seconded by Councilman Schiliro, to rescind the Town Board declaration of intent to act as Lead Agency regarding the special use permit for Chabad of Armonk.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, D'Angelo, Supervisor Arden

Noes: None

Abstained: Councilman DiDonato Roth

Councilman D'Angelo moved, seconded by Councilman Schiliro, to schedule a public hearing on April 10, 2013 to consider the Special Use Permit application for Chabad of Armonk to hold religious classes and services at 495 Main Street, Armonk, NY.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Cronin, D'Angelo, Supervisor Arden

Noes: None

Abstained: Councilman DiDonato Roth

Councilman DiDonato Roth moved, seconded by Councilman Cronin, receipt of memo from Shamberg, Marwell & Hollis, P.C. regarding zone text amendments and site development for

Town Board Minutes
March 13, 2013

Mark Real Estate LLC (Mariani), though the request to schedule a Public Hearing date regarding zone text amendments and site development for Mark Real Estate LLC/Mariani was tabled at the request of the applicant.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

With regard to the creation of a Town of North Castle dog park, there was some discussion among the Board. Councilman D'Angelo and Councilman Schiliro both stated they were never part of a discussion concerning details about the dog park, including operating budget, comparison of viable locations and information from various Department Heads. Councilman D'Angelo suggested that since there is a work session scheduled for April 17, 2013, the motion to create the dog park should be tabled. Councilman Cronin supported working through details in the work session before a vote is considered. Norma Hill, Wampus Close, presented a petition signed by 16 Wampus Close residents, against a dog park located near the corner of Bedford Road and Maple Avenue. In response to Councilman Cronin's query regarding a contact person for Wampus Close residents, Sue Berenson said she would be the contact. On the motion of Councilman D'Angelo, seconded by Councilman Schiliro, the following items were tabled:

- To consider a motion to create a Town of North Castle Dog Park
- To consider designating property near the corner of Bedford Road and Maple Avenue as a Town of North Castle Dog Park

Councilman D'Angelo moved, seconded by Councilman Schiliro, approval to appropriate revenue received from vending machines to field maintenance.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, receipt of letter from Westchester County regarding license agreement for Fisher Lane commuter parking lot, with an annual license fee of \$28,715.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, authorization for the Town's attorneys to execute a Consent Judgment in the matter of Turet vs. Town of North Castle, Index No. 25427/10.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman Cronin, receipt of Article 78 Proceeding and referral to legal counsel regarding Linda DiFiore vs. the Town and Town Board for abolition of Senior Office Assistant position.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, receipt of claim and ratification of referral to Labor Consultant for CSEA, Inc. vs. the Town of North Castle regarding the Improper Practice Charge concerning Linda DiFiore.

Town Board Minutes
March 13, 2013

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from General Foreman Norris for equipment rental and supervision for removal of Town trees as follows:

Rocco's Landscaping 1602 Old Orchard St. West Harrison, NY 10604	Rental of 57' bucket truck with operator and one groundsman for various tree service per day (8 hours). \$950.00
Rocco's Landscaping 1602 Old Orchard St. West Harrison, NY 10604	Rental of 70' bucket truck with operator and one groundsman for various tree service per day (8 hours). \$950.00
Rocco's Landscaping 1602 Old Orchard St. West Harrison, NY 10604	Emergency pricing per hour \$160.00 per hr.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, approval of request from Assistant Superintendent Sewer & Water Misiti to award bid for groundwater rule project in Water District No. 4 to Eventus Construction, the low bidder, for a total cost of \$191,800, and to appropriate the funds necessary for the project from Water District No. 4 fund balance into the said district operating budget.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, Supervisor Arden

Noes: None

Absent for the vote: Councilman D'Angelo

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of request from Comptroller Berland to purchase Fastenal Automated Supply Technology software for Highway supplies.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, Supervisor Arden

Noes: None

Absent for the vote: Councilman D'Angelo

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, approval of request from Town Clerk Curran for website support from NetIntellects, Inc., up to \$1,500, for e-communication upgrades and maintenance of Recycling & Sustainability web pages.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of agreement of proposal from CSEA Unit III (Library) concerning past payment for additional hours to fill needed posts at various times. This agreement is expressly conditioned on it having no bearing on present or future negotiations, and at no time shall it be interpreted as a "past practice."

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Town Board Minutes
March 13, 2013

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Keane & Beane, P.C. to serve as counsel regarding issues relating to replacement of certain computer software and hardware, for an amount not to exceed \$1,500.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman D'Angelo, the following resolution authorizing approvals for video and e-communication assignments and payments to consultants:

Be it resolved that the Town Administrator will approve video and e-communication assignments, presented by the Town Clerk, based on the majority vote of the Communications Committee; and further, the Town Clerk shall be responsible for monitoring and approving invoices received from the Coordinator and Production Manager, NCTV & E-Communications, as these are billed against the Public Information Budget.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of request from Town Clerk Anne Curran to appoint Alex Katz, Byram Hills High School intern, effective April 29 through June 7, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Scott Stopnik to the Library Board for a term to expire on December 31, 2017.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, receipt of letters of resignation from Joe Monticelli, Chairman, Zoning Board of Appeals, effective March 8, 2013, and from Charles Feuer, Zoning Board of Appeals, effective March 12, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman D'Angelo, the appointment of Charles Feuer, Zoning Board of Appeals, for a term to expire on December 31, 2017 and Joe Monticelli, Chairman, Zoning Board of Appeals, for a term to expire on December 31, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

With regard to the resignations and appointments of Joe Monticelli and Charles Feuer, Supervisor Arden explained that there was a misunderstanding about something that the two members felt strongly about. Once explained to them what was going on, they understood and they asked to be put back on the Board, and we gladly did that.

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

- Receipt of memo from Best, Best & Kreiger, LLP regarding status of settlement for Cablevision franchise fee payments

Town Board Minutes
March 13, 2013

- Receipt of Town Clerk's month report for February, 2013
- Resolution allowing National Alliance on Mental Illness (NAMI) to include designated streets/areas in Armonk and North White Plains in the "Ribbon Campaign" during the month of May.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

The Town Board audited and approved payments totaling \$1,044,292.29 as indicated on Warrant #5.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:05 p.m.

Anne Curran, Town Clerk

Dated: March 25, 2013