

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
November 19, 2014

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

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

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

The minutes of the Public Hearing that commenced at 8:25 p.m. follow at the end of these minutes.

Anne Curran, Town Clerk, presented the certified results of the Special Town Election held on November 13, 2014 on the ward system. The certified results were as follows:

Proposition No. 1

Shall the ward system be established for the election of Councilmen or Councilwomen in the Town of North Castle?

YES: 400  
NO: 2,294

Proposition No. 2

Shall the number of Councilmen or Councilwomen of the Town of North Castle be increased from four to six?

YES: 457  
NO: 2,239

Town Clerk Anne Curran reported on the Special Election:

- Proposition No. 1, regarding the establishment of the ward system, was defeated by 85% of all voters.
- Proposition No. 2, regarding the increase in number of Town council seats, was defeated by 83% of all voters.
- Approximately 30% of active voters voted in the Special Election.
- The necessity to hold the Special Election on the propositions was determined by the Westchester County Board of Elections on October 9, 2014, only five weeks before the Special Election date.
- Town Clerk Curran recognized the contributions of many people, including:  
Town Attorney Roland Baroni for guiding the early stages of planning the election.  
Mindy Berard, Confidential Secretary to the Supervisor, for researching, fact checking and mobilizing a town wide mailing.  
Supervisor Schiliro for advocating that every resident should have the opportunity to vote.

Town Board members for engaging the services of Gerard Terry as special counsel to the Town and to the Town Clerk. Mr. Terry's guidance was instrumental in making sure that the election was conducted in accordance with all legal requirements.

Town Administrator Goldberg for coordinating Town employees to prepare and monitor logistics at the polls, including Highway Dept. workers for voting machine transportation. All those who insured accommodation at the three polling locations: Armonk Firehouse, Banksville Firehouse and North White Plains Community Center.

Election Inspectors who supervised the use of the lever voting machines and orderly returns. The core group of Town employees, especially Deputy Clerk Barbara Pesquera, Rita Ross, John Madera, Claudia Pulise and Nancy Hall; and former employees, Town Clerk Ann Leber, Rita Vettoretti and Sharon Tomback, for their dedication and extraordinary efforts that resulted in a successful election.

- Town expenses, to date, in connection with the Special Election are \$43,145.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of certified results of the Special Election held on November 13, 2014 on the ward system.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, referral of the Brynwood Preliminary FEIS to Adam Kaufman, Director of Planning, for review and distribution to the Town's consultants for their respective review and advice to the Town Board as Lead Agency.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, the scheduling of a Public Hearing on December 10, 2014 to consider granting of Conservation Easement in connection with the Levene property by the Mianus River Gorge.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for Assessor Sirota to engage Laurence P. Farbstein of Industrial & Utility Valuation Consultants, Inc. as real property tax consultant for appraisal and valuation services of Con Ed properties, at a rate of \$250 per hour.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of requests for holiday displays on Town property from November 24, 2014 through January 9, 2015 as follows:

- A crèche at the peninsula between North Broadway and Route 22 in North White Plains.
- A star and crescent in Wampus Brook Park
- A crèche at Wampus Brook Park

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval to reimburse Ira Weiss \$1,750 for tree removals that were determined to be in the Town right of way.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign and submit a Municipalities Continuing Disclosure Cooperation Initiative (MCDC) questionnaire with the Securities Exchange Commission (SEC).

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, approval of Change Order No. 2 in the amount of \$13,500 with Bilotta Construction Corp. regarding Water District No. 2 Water System Replacement Project, and further authorized the Supervisor to sign the document.

Vote: Unanimous

*Note: An allowance of \$433,560 now exists as a result of changes made to the contract.*

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign a Change Order with HydroEnvironmental Solutions, Inc. for an estimated amount between \$35,000 and \$47,000, for additional soil remediation in connection with the removal of fuel oil underground storage tanks (USTs) at 533-535 Main Street.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, a resolution authorizing the Supervisor to submit an application and enter into an Intermunicipal/Developer Agreement for a Housing Implementation Fund Grant from Westchester County in connection with AFFH units at 22 Old Route 22. The Resolution follows.

Vote: Unanimous

**RESOLUTION OF THE TOWN OF NORTH CASTLE AUTHORIZING THE TOWN SUPERVISOR TO SUBMIT AN APPLICATION AND ENTER INTO AN INTERMUNICIPAL/DEVELOPER AGREEMENT FOR AN HOUSING IMPLEMENTATION FUND GRANT FROM WESTCHESTER COUNTY IN SUPPORT OF THE FAIR AFFORDABLE HOUSING DEVELOPMENT LOCATED AT 22 OLD ROUTE 22.**

**WHEREAS**, Westchester County (the "County") has established a Housing Implementation Fund to provide infrastructure and other improvements to encourage and support the development or preservation of affordable housing; and

**WHEREAS**, Armonk Commons, LLC, or its successor (the "Developer") proposes to construct ten affordable affirmatively furthering fair housing condominium housing units and related amenities in the development at 22 Old Route 22 (the "Development") in the Town of North Castle (the "Town"); and

**WHEREAS**, in order to make the proposed development viable, infrastructure must be constructed, including, but not limited to, paving, new curbing, drainage, new street lights, new sidewalks, landscaping and other related work, the ("Infrastructure Improvements"), as more fully set forth in a schedule of work; and

**WHEREAS**, the proposed development requires the assistance from the Westchester County Housing Implementation Fund, ("HIF") to subsidize the costs of the Infrastructure Improvements in order to assure affordability of the units and to provide safe and secure pedestrian access to the hamlet of Armonk; and

**WHEREAS**, the Town of North Castle desires the HIF assistance from the County for the Development and will enter into an Intermunicipal/Developer Agreement (IMDA) with the County and the Developer; and

**WHEREAS**, pursuant to the IMDA, the construction of the Infrastructure Improvements shall be performed through a competitive public bid by the Town pursuant to section 103 of the General Municipal Law; and

**WHEREAS**, pursuant to the IMDA, the County shall, if needed, be granted temporary easements for the area(s) upon which the Infrastructure Improvements shall be constructed; and

**WHEREAS**, the Town may, at its sole discretion, enter into an agreement with the Developer to detail responsibilities related to the Infrastructure Improvements including, but not limited to, the maintenance of the Infrastructure Improvements upon completion, initial and ongoing affordability of the Development, provision of funding for Infrastructure Improvement costs that exceed the HIF amount, coordinating with contractor performing the construction of the Infrastructure Improvements to assure the completion of the Development.

**NOW THEREFORE BE IT RESOLVED**, that the Town Supervisor is hereby authorized to submit an application to Westchester County for an Housing Implementation Fund grant for the Development in an amount not to exceed \$250,000; and

**BE IT FURTHER RESOLVED** that Town Supervisor is authorized to enter into an IMDA with Westchester County and the Developer and take all necessary steps to facilitate and implement the terms of the IMDA and the scope of work appended to such agreement.

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign a Service Agreement with GHD for \$119,000 for the design and construction services related to Water District No. 1 LT2 compliance.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, approval of membership in ProStar Municipal Energy Program, a purchasing cooperative to assist local governments in lowering purchasing costs for utilities, and further authorized the Supervisor to execute the Intermunicipal Cooperation Agreement.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to execute the Stormwater Easement and Maintenance Agreement in connection with the Whippoorwill Club Turf Management Facility.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement to transfer tax mapping data from James. W. Sewall Company to CAI Technologies regarding tax parcel maintenance and related GIS services.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign the CSEA Unit III (Library) Memorandum of Agreement.

Vote: Unanimous

Consideration of settlement in connection with Police Department disciplinary action was tabled. Councilman D'Angelo moved, seconded by Councilman Berra, ratification of the hiring of Alexandra Alayan and Stacie Kaufman, Library Pages, at a salary of \$11.00 per hour, effective October 27, 2014.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, approval of request for Highway General Foreman Jamie Norris and Lead Mechanic Matthew Harisch to attend New Jersey League of Municipalities Conference and Exhibition in Atlantic City, NJ, November 19-20, 2014, the total cost of which will not exceed \$650. Approval was also given to use a Town vehicle for traveling to and from the conference.

Vote: Unanimous

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

1. Receipt of Town Clerk's monthly report – October 2014
2. Receipt of Adopted 2015 Budget: North Castle South Fire District No. 1

Vote: Unanimous

The Town Board audited and approved payments totaling \$4,444,974.44 as indicated on Warrant #21.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 10:10 p.m. in memory of Andrew Louis Gurgitano, son of Sergio Gurgitano of the North Castle Police Dept., and resident, James Joseph Sullivan, WWII Navy Veteran.

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Anne Curran, Town Clerk

Dated: December 30, 2014

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PUBLIC HEARING  
November 19, 2014

At 8:25 p.m., Supervisor Schiliro stated that Public Hearings would be held in accordance with the Public Notices that follow:

NOTICE IS HEREBY GIVEN THAT THE Preliminary Budget of the Town of North Castle for the year 2015 has been completed and that the same has been filed in the office of the Town Clerk of said Town where the same is available for inspection by any person interested therein, and that a Public Hearing thereon will be held by and before the Town Board of said Town at Town Hall, 15 Bedford Road, Armonk, NY, on November 19, 2014 at 7:30 p.m., or as soon thereafter, when any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item therein contained.

Supervisor	\$50,000
Four Town Council Members	\$72,544
Town Clerk	\$96,613

NOTICE IS HEREBY GIVEN that the Preliminary Budgets for the year 2015 have been completed for Sewer District Nos. 1, 1B, 2, 3, and 4; Water District Nos. 1, 2, 4, 5, 6 and 7; Street Light District Nos. 1, 2 and 3; Parking District No. 1; Ambulance District Nos. 1 and 2; and Fire Protection District No. 1; and that the same have been filed in the office of the Town Clerk of said Town, and

FURTHER NOTICE IS GIVEN that the Town Board of the Town of North Castle, NY, has been assessed the amount of estimated expenditures for Sewer District Nos. 1, 1B, 2, 3, and 4 for the year 2014 less the estimated revenues as set forth in proportion as nearly as may be to the benefits which each lot or parcel will derive therefrom, and has prepared an assessment roll describing the several properties, the names of the owners or reputed owners thereof and the aggregate amount of assessment levied there against, and filed the same with the Town Clerk of said Town where it may be examined by any person interested therein, and

FURTHER NOTICE IS GIVEN that the Town Board will meet and review such Preliminary Budgets and such assessment roll at a Public Hearing to be held by and before said Board on November 19, 2014 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, at which time any person may be heard in favor of or against the estimates and/or assessment roll as compiled or in favor of or against any item therein contained.

By Order of the Town Board  
Town of North Castle, NY  
Anne Curran, Town Clerk

The Public Notices were marked Exhibit "A" for the record.

The Affidavits of Posting calling the Public Hearings were marked Exhibit "B" for the record.

The Affidavits of Publication from The Journal News calling the Public Hearing were marked Exhibit "C" for the record.

The 2015 Preliminary Budgets were marked Exhibit "D" for the record.

Supervisor Schiliro said the Town Administrator will give a budget overview and some philosophies of how the Town has been proceeding in the last few years and how it will proceed in the coming years, followed by a presentation by the Town Comptroller and any comments from the public. Mr. Schiliro said the Town has been working on the budget process for several months. Work sessions were held and two additional work sessions are scheduled. The public hearing will be reconvened on December 10, 2014 to consider adoption of the budget.

Town Administrator Joan Goldberg presented the following points regarding the 2015 budget:

- The budget request for 2015 is up \$1.2 million, bringing the total budget to \$30.7 million.
- Approximately half of the \$1.2 million increase is attributable to the first principal and interest payment on the Water District No. 2 Water System Replacement Project; the expense is borne by Windmill Farm residents in Water District No. 2 only.

- The other half of the increase is attributable to several items in the General, Highway and Library Funds.
- The proposed tax rate increase is 2.97% which represents a \$96 increase in Town taxes for the median home in North Castle with a market value of \$862K.
- In the General Fund, two police officers are being added. Ms. Goldberg said the Town has been running at a high level of overtime (in the Police Department). Currently there are 31 officers and the plan is to increase to 33 officers in 2015 to provide services necessary which in addition to patrol include additional court security and special programs.
- Administrator Goldberg said that when she looks at a budget, she does not look at this year or next year, she looks at where the Town should be in the next 5, 10, 15, 20 years.
- Ms. Goldberg said the roads are not in sufficient condition and the Town is running at a score in the 60s, as cited in the pavement management study, and this needs to be brought up. Her goal is to get the Town to a 20 year repavement cycle which means paving five miles a year. The cost can vary greatly depending on road conditions. At an average cost of \$250K per mile of road, \$1.25M for paving is needed in the budget each year which Ms. Goldberg said is an operating expense. In the 2015 budget there is an increase of \$120K for paving. Ms. Goldberg said she is going to keep trying to increase this amount until she gets to the level needed to be on a 20 year repavement cycle.
- Administrator Goldberg said that due to the Board's authorization to purchase of additional trucks, the Town is in a better position to handle snowstorms than it was last winter. The Town has about \$7M of equipment and each large truck is \$250K. The Budget and Finance Advisory Committee is currently looking at the cost and feasibility of expanding the Highway garage to store equipment indoors to expand useful life. Ms. Goldberg said the total budgeted amount for equipment is \$250K which needs to be increased to \$450K over time. In the 2015 budget there is an increase of \$75K for Highway vehicles. Ms. Goldberg confirmed that four new trucks were added in 2014 in the Highway and Parks Departments.
- Three union contracts have been renegotiated; the Town is currently working on the Police contract.
- The Town is looking at the next 15, 20 years and planning a sustainable work force with the equipment and infrastructure needed.
- The Library utilized funds from unfilled positions for facility improvements, including a new boiler and new air conditioning unit, and is currently working on automatic doors at the Kent Place entrance.
- Future improvements needed include roofs on Town buildings, with a careful eye as to whether it make sense to rehabilitate a building, or to move operations into another building and consolidate programs and services to run more efficiently.

Town Comptroller Denise Oakley presented a summary of the 2015 Preliminary Budget. Ms. Oakley's presentation included the following points:

- The focus this upcoming year is to operate efficiently, have full transparency in our operations and provide high quality services at the lowest cost to the residents. The goal has been to develop a 2015 budget and tax rate increase which is as low as possible. All the Department Heads and the entire Town Board have participated in the process.
- The proposed budget for 2015 is \$30,736,631, approximately a 4.08% over last year's budget.
- The approximate increase in the General, Highway, and Library funds (which has a direct correlation to the Town Tax Levy) is approximately 2.62%. As Town Administrator Goldberg indicated, there are drivers in this budget that will not only defer from increasing the Town's liability related to securing additional debt to finance various capital expenditures; the current tactical approach will assist in building a lucrative fund balance. This is also a small part of increasing the quality and effectiveness of the services to North Castle Residents. [\$345,000 of the Highway Fund increase is a factor in the related efforts.]
- The tax cap applies to all school districts and local governments (i.e. counties, towns, villages and special districts) and is set at the rate of inflation or 2%, whichever is less. The tax cap rate for 2015 is 1.56.
- Real estate taxes are composed of Town, County, and School districts taxes.
- Special district taxes are composed of water, sewer, streetlights, fire and ambulance operations.

- Revenue and fund balance offset expenses in determining the Town's real estate taxes. A major portion of the Town's non-property tax revenue is the receipt of sales tax, followed by Departmental income, mortgage tax, and various other sources.
- The Town has maintained a level spending plan over the past few years. Salary and benefits outweigh all other budget expenses. The preliminary budget anticipates a slight increase in salary expense, in line with the previous years, while benefits and contractual or professional expenditures are expected to decrease or remain level.
- There have been relatively no changes in the number of Town employees. The proposed budget includes the addition of two police officers, as well as two additional positions in the Sewer and Water department. The respective positions have been budget for in the prior year's budget; however, they were not filled.
- There are 115 full time and 17 part time positions in the 2015 budget.

Supervisor Schiliro said that the workforce has been significantly reduced over the past several years.

In response to queries from Sue Shimer, the following information was provided. Budgeted amount of \$1,500 for Landmarks Preservation is included in the Historian budget line. Amounts for contractual services and appraisals are in the Assessor budget, not the Tax Receiver budget. An increase in the Town Administrator salary line is due to an increase in hours for the part time Personnel Manager position which does not have benefits.

Neal Baumann, Armonk, recommended that consideration be given for bonding at current low rates for major needs of the Town. Supervisor Schiliro agreed and said there have been debates about roads in terms of capital improvements versus operating costs. He said the Town Administrator has done a good job in restoring monies in the budget, and as she said more is needed to catch up, while keeping the Town under the tax cap. It is a difficult challenge, with inflationary costs as well as pension costs which usually well exceed inflation, to build expenditures into the budget and not cut services, which the Town does not want to do. The Budget and Finance Advisory Committee is currently looking at this with regard to the roads. Mr. Schiliro said he is coming back with a recommendation to accelerate the process.

In response to a query from Ljubisa Jovasevic, Armonk, regarding whether the Town will restore leaf vacuuming, Supervisor Schiliro said currently there is no plan to restart leaf vacuuming and bagged leaves will continue to be collected. He encouraged residents to share environmentally conscious solutions. In response to a query from Mr. Jovasevic regarding plans for an expanded Highway garage, Mr. Schiliro said the Town is the early stages in reviewing options.

Anthony Futia, North White Plains, stated that leaf pickup is a problem for older property owners and for owners with small lots. In response to Mr. Futia's query regarding the inclusion of the salary schedule in the budget, Ms. Oakley said it would be provided. With regard to his query regarding online posting of labor contracts, the Supervisor said labor contracts could be obtained through a FOIL request.

Supervisor Schiliro thanked Ms. Goldberg, Ms. Oakley, the Town Board and the Department Heads for their work in the budget process. Mr. Schiliro said the Town continues to build its fund balance as it has done over the past several years, and if Town does bond, it has the benefits of a low rate market and a triple A rating.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Reiter, that the Public Hearing be adjourned, to the December 10, 2014 meeting, at 9:05 p.m.

The roll call was as follows:

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

Noes: None.

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Anne Curran, Town Clerk

Dated: December 30, 2014