

Town Board Minutes
Regular meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 28, 2015

The Town Board meeting was called to order at 5:00 p.m. and immediately adjourned into Executive Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney and the Town Administrator were present for the executive session which adjourned to a Work Session. The Town Clerk joined the Work Session which convened at 6:40 p.m. which reconvened to Executive Session at 7:20 p.m. The regular meeting reconvened at 7:45 p.m. and the following persons were present:

Supervisor:	Michael J. Schiliro
Councilmen:	Stephen A. D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	Guy A. Mezzancello

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

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of the proposed local law amending Town Code to revise mailing requirements for Public Hearing notification, and further moved to reschedule the public hearing on the legislation to February 25, 2015.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of the minutes for October 8 and October 22, 2014 regular meetings, and the October 15, 2014 special meeting. The roll call vote was as follows:

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

Noes: None

Abstained: Councilman Mezzancello

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the minutes of the November 3, 2014 Special Meeting.

The roll call vote was as follows:

Ayes: Councilman DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman D'Angelo (absent), Councilman Mezzancello

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the minutes of the November 5, 2014 regular meeting.

The roll call vote was as follows:

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

Noes: None

Abstained: Councilman Mezzancello

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, adoption of the revised Mission Statement for the Comprehensive Plan Steering Committee, with an increase in membership from 7 to 11 persons, as follows:

“The Comprehensive Plan Steering Committee shall be appointed by the Town Board to assist the Town Board in the preparation of a new Comprehensive Plan. The Committee will review the existing 1996 Comprehensive Plan document as well as review any new draft sections of the updated Plan. The Committee shall contain up to 11 members and may be made up of any combination of the Town Board, Planning Board (one required) as well as citizen and business owners. The Committee shall meet at least monthly to provide direction to the Planning Department and Planning Consultant.”

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of the appointment of Bond, Schoeneck & King, PLLC as Special Counsel to advise the Town Board regarding disciplinary hearing concerning employee number 3257, at the following rates:

- \$250 per hour for partners' time
- From \$205 per hour for associates' time.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, adoption of a resolution authorizing the submission of a NYS Home Rule Request to establish a hotel occupancy tax. The resolution follows.

WHEREAS, the Town of North Castle desires to enact an occupancy tax on any room for hire within the Town; and

WHEREAS, the rate of such tax shall not exceed three (3) percent of the per diem rental rate for each room; and

WHEREAS, the Town of North Castle desires to repair and improve our Town roads and infrastructure and to stimulate our area economy and to create local construction jobs; and

WHEREAS, the Town of North Castle intends to utilize hotel tax revenue for the purpose of Town wide road and construction projects; and

WHEREAS, NYS Senator George Latimer has introduced NYS legislation to the Senate with bill number S.724, and NYS Assemblyman David Buchwald has introduced NYS legislation to the Assembly with bill number A.217; and

WHEREAS, this legislation requires the passage of a Home Rule Request to the NYS Senate and NYS Assembly by the Town of North Castle.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of North Castle hereby approves the submission of a Home Rule Request to the NYS Senate and Assembly for bill numbers S.724 and A.217 that would not exceed a three (3) percent daily room tax for a hotel, motel, or similar place of public accommodation; and

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized to submit the Home Rule Request and execute and deliver all necessary documents to NYS.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Mezzancello, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request from Edge of Dance for extension until July 9, 2015 to submit property owner authorization for Special Use Permit at 7 North Greenwich Road.

Vote: Unanimous

With regard to the Gazebo reconstruction design, Architect John Sullivan presented four options for handicap access alternatives with costs for each. Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization to proceed with the "Site Walk" handicap access option, with a cost estimate of \$28,500.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo receipt of Local Law and referral to Planning Board to permit pavement expansion of up to 250 square feet without the need to seek RPRC (Residential Project Review Committee) review.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of Planning Board recommendation to release construction performance bond for 61 and 67 Old Route 22 Subdivision, the present value of which is \$78,002.37, which reflects a prior reduction in the original bond amount of \$312,009.50.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, ratification of request from Director of Sewer and Water, Misiti, to seek bids for the rehabilitation of School Street Well No. 2 in Water District No. 4.

Town Board Minutes
January 28, 2015

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of Comptroller's report on sales tax collection for 3rd quarter 2014.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Town Attorneys to execute a Consent Judgment in the matter of HZBR, LLC vs. Town of North Castle.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request from General Foreman Norris to lease, for one-year, a GPS Tracking System for all Highway vehicles at an annual cost of \$17,994 (\$29.99 per month for 50 vehicles, or \$1,499.50 per month), and authorization for the Supervisor to sign the lease agreement.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, approval of request from General Foreman Norris to purchase a loader and side bucket off state contract, for Highway use, at a cost of \$191,000 (\$175,000 for the loader and \$16,000 for a side bucket).

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, approval of filming license application from Across the Pond Productions, LLC, regarding the filming of HBO pilot, titled DIVORCE, at 7 Deer Ridge Lane, Armonk, within approximate dates of February 23, 2015 – March 6, 2015, subject to a resolution to include specific dates and hours of operation, the fee of \$2500/per day for work to include filming, site preparation and site restoration, Police Department requirements, insurance approvals, and a waiver of the code restricting filming activities to no more than seven calendar days within any twelve month period. *(Note: The property owners subsequently withdrew permission and the filming license was never issued.)*

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign the agreement with CAI Technologies regarding GIS Services for Tax Map maintenance services in 2015 at a cost of \$4,700.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of carryover of 2014 vacation days as follows:

- Matthew Harisch, Highway Dept. two weeks (10 days)
- Donna Daley, Finance Dept. 1.93 days (13.5 hours)

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request from Tax Receiver Colombo to appoint Patricia Romero, Deputy Receiver of Taxes, full time, effective January 29, 2015.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of retirement notification from Herta Smorol, Finance Department, effective January 31, 2015.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request from Comptroller Oakley to hire Herta Smorol, at the hourly rate of \$40.15, as needed, in the Finance Department.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of request for Administrator Goldberg and Comptroller Oakley to attend the annual NYS GFOA conference in Albany, on March 26 and 27, 2015, and approval to use a Town vehicle for traveling to and from the conference. Approval was also given for Comptroller Oakley to attend NYS GFOA training on March 24-25, 2015.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request for Virginia Garcia to take a publishing software course at Westchester Community College.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, ratification of salary increase to \$13.00/hour for Shalini Hathurisinghe, Library Page, effective January 1, 2015.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, ratification of new hire, Catherine Athas, Library Page, as needed, effective January 19, 2015.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of work-related injury/illness reports for Highway employees.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, the reappointment of Arthur Adelman as Chair of Planning Board, for a term to expire December 31, 2015.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, the appointment of Michael Pollack to Planning Board, for a term to expire December 31, 2019.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, the reappointment of Beata Buhl-Tatka, Chair of Architectural Review Board, for a term to expire September 13, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, the appointment of John Scarlato Jr., to the Architectural Review Board, for a term to expire September 13, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, the reappointment of Jeanne Hinrichs, Chair of Housing Board, for a term to expire December 31, 2019.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, the appointment of Sheila Drapeau to the Landmarks Preservation Committee, for a term to expire May 17, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the following appointments to the Comprehensive Plan Steering committee, to serve at the pleasure of the Town Board:

Neal Baumann, Christine Eggleton, Michael Freedman, Jill Greto, Charlene Jacobi, Jim Jensen, Richard Koh, Charles Pound, Ed Woodyard, Chris Carthy (Planning Board member), Guy Mezzancello (Town Board member - Ex Officio).

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, recognition of Anthony Milone, for term of service on Parks and Recreation Advisory Board, ending on December 31, 2014.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, recognition of Frank Benish, for term of service on Parks and Recreation Advisory Board, ending on December 31, 2014.

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

- Approval of request from General Foreman Norris for release of the following highway bond:
 - o Con Edison – Permit 0724 in the amount of \$1,000 for street opening at 11 Rockledge Road, Section 7, Block 08, Lot 3. (Work was never performed)
- Approval of the following address change notifications:
 - o 33-35 Orchard Drive (lot merger)

Town Board Minutes
January 28, 2015

- Knowlton Place: Nos 1, 2 and 3 (new road name and addresses)
- Cox Avenue: Nos 94, 96 and 98 (lot line change and subdivision)

Vote: Unanimous

The Town Board audited and approved payments as indicated on the following warrants:
No. 22C dated January 28, 2015 for \$227,758.93 (2014 accounts payable)
No. 1 dated January 28, 2015 for \$146,556.56 (2015)

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:10 p.m. in memory of residents Dianne Coupe and Carolyn Billet; William Mariano, former resident and member of Assessment Review Board; Louis Martino, father of Judge Douglas Martino; Arlene Janicki, mother of Castle Janicki, Highway Dept.; Sandra Carolyn Giammette, mother of Matt Trainor, Superintendent of Recreation and Parks Department.

Anne Curran, Town Clerk

Dated: February 20, 2015