

PUBLIC HEARING

December 8, 2021

At 8:27 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows in the Matter of the Improvement of Facilities of Sewer District No. 2:

NOW, THEREFORE, BE IT ORDERED that a meeting of the Town Board of the Town of North Castle will be held at the Town Hall, 15 Bedford Road, Armonk, New York, on December 8, 2021 at 7:30 p.m. o'clock P.M. (Prevailing Time) for the purpose of a public hearing to consider if it is in the public interest to undertake the Project at a maximum cost of \$4,800,000, and to hear all persons interested in the subject matter thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

DATED: November 17, 2021

TOWN BOARD OF THE  
TOWN OF NORTH CASTLE

The Order Calling the Public Hearing adopted by the Town Board on November 17, 2021 was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

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

The Town Clerk noted there was a Public Interest Order for consideration for adoption.

The Town Clerk noted there was a Bond Resolution for consideration for adoption.

Director of Water and Sewer Operations Sal Misiti provided an overview of the proposed enhancements of the existing facilities of Sewer District No. 2 to improve treatment of outflow and effluent. He indicated that this is a much less costly alternative than expanding the plant. Mr. Misiti indicated that this bond is a requirement of the NYS Water Infrastructure Improvement Act Grant Application as well as other grant opportunities.

Supervisor Schiliro noted the high cost of expansion of the wastewater treatment plant and credited Mr. Misiti's efforts to evaluate enhancements to the existing facilities at a lower cost.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:33 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman Berra moved, seconded by Councilman DiGiacinto, to adopt the Public Interest Order that follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Berra, DiGiacinto, Reiter, Hussain, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, to adopt the Bond Resolution that follows at the end of the minutes.

Town Board Minutes  
December 8, 2021

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Hussain, Reiter, Berra, Supervisor Schiliro

Noes: None

---

Alison Simon, Town Clerk

Dated: December 15, 2021

**EXTRACTS FROM MINUTES OF MEETING OF THE TOWN BOARD OF THE  
TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, NEW YORK**

A regular meeting of the Town Board of the Town of North Castle, located in the County of Westchester, State of New York, was held at Town Hall, in Armonk, New York, on December 8, 2021, at 7:30 o'clock, P.M. (Prevailing Time) at which meeting a quorum was at all times present and acting. There were:

PRESENT:           Michael J. Schiliro, Supervisor  
                  Barbara DiGiacinto, Board Member  
                  Barry Reiter, Board Member  
                  José Berra, Board Member  
                  Saleem Hussain, Board Member

ABSENT:   None

ALSO PRESENT:   Town Clerk: Alison Simon  
                      Town Attorney: Roland A. Baroni  
                      Town Administrator: Kevin Hay

\* \* \* \* \*

Member José Berra submitted the following order and moved for its adoption. The motion was seconded by Member Barbara DiGiacinto. The Town Board was polled. The motion was adopted by a vote of five affirmative votes (being at least two thirds of the voting strength of the Town Board) with no negative votes and no votes absent.

A meeting of the Town Board of the Town of North Castle, Westchester County, New York (the "Town") convened in public session at Town Hall, New York, in the Town of North Castle, New York on December 8, 2021, at 7:30 o'clock p.m., local time.

PRESENT:

Michael J. Schiliro, Supervisor  
Barbara DiGiacinto, Board Member  
Barry Reiter, Board Member  
José Berra, Board Member  
Saleem Hussain, Board Member

-----X

In the Matter

of the

In the Matter of the Improvement of Facilities of  
Sewer District No. 2 and the undertaking of improvements  
therein, in the Town of North Castle, County  
of Westchester, New York pursuant to Section 202-b  
of the Town Law.

-----X

**PUBLIC INTEREST ORDER**

WHEREAS, the Town Board of the Town of North Castle, County of Westchester, State of New York (the "Town"), has duly caused to be prepared maps, plans and reports and an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the improvement of the facilities of Sewer District No. 2 of said Town (the "District"), which maps, plans and reports, prepared by Environmental Design and Research (the "Engineer"), together with an estimate of cost by the Town, are on file in the office of the Town Clerk where they are available for public inspection during normal business hours; and

WHEREAS, such sewer system improvements, include but are not limited to, the acquisition, construction and reconstruction of the District's wastewater treatment plant (the "Project"), including all necessary site work, equipment, apparatus and other improvements and costs incidental thereto; and

WHEREAS, the Engineer has estimated the maximum cost of the Project to be \$4,800,000; which amount shall be allocated and charged as the cost of improving the facilities of the District and shall be borne by the District; and

WHEREAS, the proposed method of financing the cost of the Project, in whole or in part, shall be by the issuance of serial bonds of the Town maturing in annual installments over a period not exceeding forty (40) years, offset by federal and state grants received in connection therewith; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, the Town Board has duly considered the impact the Project may have on the environment and has determined that the Project is an Unlisted Action as defined in Section 617.2(al) of the SEQRA regulations and no further environmental review is required;

WHEREAS, at a meeting of said Town Board duly called and held on November 17, 2021, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider the Project at an maximum estimated cost of \$4,800,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall in the Town, on December 8, 2021, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, the said order duly certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the official newspaper of this Town, on November 23, 2021, and a copy of such order was posted on November 18, 2021 on the signboard maintained by the Town Clerk of the Town, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard at that time were duly heard; and

WHEREAS, the hearing is now closed; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of North Castle, County of Westchester, State of New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to improve the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York, consisting of the acquisition, construction and reconstruction of the District's wastewater treatment plant, including all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, at a maximum estimated cost of \$4,800,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Michael J. Schiliro	VOTING AYE
---------------------	------------

Barbara DiGiacinto	VOTING AYE
--------------------	------------

Barry Reiter	VOTING AYE
--------------	------------

José Berra	VOTING AYE
------------	------------

Saleem Hussain	VOTING AYE
----------------	------------

The order was thereupon declared duly adopted.

I, **ALISON SIMON**, Clerk of the Town of North Castle, located in the County of Westchester, State of New York (the “Town”), HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of North Castle was duly held on December 8, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purposes of recording the minutes of meetings of the Town Board.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Town Board who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town, this 9<sup>th</sup> day of December, 2021.

(SEAL)

---

**ALISON SIMON**  
Town Clerk  
Town of North Castle, New York

**EXTRACTS FROM MINUTES OF MEETING OF THE TOWN BOARD OF THE  
TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, NEW YORK**

***(\$4,800,000 Improvements to Sewer District No. 2)***

A regular meeting of the Town Board of the Town of North Castle, located in the County of Westchester, State of New York, was held at Town Hall, in North Castle, New York, on December 8, 2021, at 7:30 o'clock, P.M. (Prevailing Time) at which meeting a quorum was at all times present and acting. There were:

PRESENT: Michael J. Schiliro, Supervisor  
Barbara DiGiacinto, Board Member  
Barry Reiter, Board Member  
José Berra, Board Member  
Saleem Hussain, Board Member

ABSENT: None

ALSO PRESENT: Town Clerk: Alison Simon  
Town Attorney: Roland A. Baroni  
Town Administrator: Kevin Hay

\* \* \* \* \*

Member Barbara DiGiacinto submitted the following bond resolution and moved for its adoption. The motion was seconded by Member Saleem Hussain. The Town Board was polled. The motion was adopted by a vote of five affirmative votes (being at least two thirds of the voting strength of the Town Board) with no negative votes and no votes absent.

**BOND RESOLUTION, DATED DECEMBER 8, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$4,800,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF IMPROVEMENTS TO THE TOWN OF NORTH CASTLE SEWER DISTRICT NO. 2.**

**WHEREAS**, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated December 8, 2021, the Town Board of the Town of North Castle (the “Town”), located in the County of Westchester, in the State of New York (the “State”), hereby determines that it is in the public interest of the Town to authorize the financing of the costs of improvements to the Town of North Castle Sewer District No. 2 (the “District”), including but not limited to, the acquisition, construction and reconstruction of the District’s wastewater treatment plant (the “Project”), including all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, at a total cost not to exceed \$4,800,000, all in accordance with the Local Finance Law;

**WHEREAS**, it is now desired to provide funding for the Project;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of North Castle, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Town in the aggregate principal amount of up to \$4,800,000, pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein, or (b) the date of issuance of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Town Board of the Town has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$4,800,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Town Board of the Town plans to finance the costs of the Project from (i) the proceeds of the serial bonds authorized herein,



or bond anticipation notes issued in anticipation of such serial bonds and (ii) certain loans and grants to the Town, including but not limited to monies from the New York Environmental Facilities Corporation; (d) the maturity of the obligations authorized herein may be in excess of five (5) years; and (e) the amount authorized to be applied to such objects or purposes from the proceeds of the obligations authorized herein shall be reduced *pro tanto* by the amount of aid received by the Town for such object or purpose.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town. The Town Supervisor is hereby authorized to execute, on behalf of the Town, all serial bonds authorized herein, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Town Clerk is hereby authorized to impress the seal of the Town (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Town Supervisor.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due. To the extent not paid from the collection of assessments against benefited properties in the District, an annual appropriation shall be made in each year sufficient to pay the principal and interest on such obligations becoming due and payable.

Section 6. When this bond resolution takes effect, the Town Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having

a general circulation in the Town. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Town is not authorized to expend money, or the provisions of law which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Town Board of the Town shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Town Board of the Town will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Town Board of the Town that the Project will not have a significant effect on the environment.

Section 8. The Town hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Town made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Town.

Section 9. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (the “Project Financing Agreement”) and, to the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on

behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this bond resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

Section 10. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Town agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Town’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Town Supervisor is authorized and directed to sign and deliver, in the name and on behalf of the Town, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Town Clerk, which shall constitute the continuing disclosure agreement made by the Town for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Town and that are approved by the Town Supervisor on behalf of the Town, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Town’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Town would be required to incur to perform thereunder. The Town Supervisor is further authorized and directed to establish procedures in order to ensure compliance by the Town with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Town Supervisor shall consult with, as appropriate, the Town Attorney and bond counsel or other qualified independent special counsel to the Town and shall be entitled to rely upon any legal advice provided by the Town

Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 11. This bond resolution shall take effect immediately upon its adoption by the Town Board.

I, **ALISON SIMON**, Clerk of the Town of North Castle, located in the County of Westchester, State of New York (the “Town”), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of North Castle was duly held on December 8, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purposes of recording the minutes of meetings of the Town Board.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Town Board who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town, this 9<sup>th</sup> day of December, 2021.

(SEAL)

---

**ALISON SIMON**  
Town Clerk  
Town of North Castle, New York