

## PUBLIC HEARING

August 5, 2015

At 8:06 p.m. Supervisor Schiliro reconvened the Public Hearing which was adjourned on July 22, 2015 regarding the establishment of Long Pond Park District.

The following reports were received from GEA Engineering, P.C. since July 22, 2015:

- Preliminary Evaluation Report
- Emergency Action Plan
- Inspection and Maintenance Plan

Steve Gamelsky of GEA Engineering, a civil environmental engineering firm, explained that necessary documents have been prepared for submission to NYS DEC to meet the August 14, 2015 deadline, including schedules for how the Town will proceed to comply with DEC requirements. Mr. Gamelsky summarized the investigative work conducted thus far and the expected schedule:

- Test pits and test borings were done on the dam to determine how the dam was constructed.
- Trees will be removed in stages, with the goal of working with DEC to preserve some trees.
- An engineering plan will be completed after some trees are removed to address the extent of repair needed for corroded areas, primarily the spillway and crest of the dam.
- The formation of the Long Pond Park District is expected in November, 2015 and additional engineering work should be completed by the end of 2015.
- In early 2016, GEA will submit plans and specs for additional work and tree removal expected to continue in March and April, 2016.
- Work for dam repairs must be advertised and put out to bid.
- The actual construction of repair work is planned for September-November, 2016 to allow for use of the pond next season; subject to NYSDEC acceptance of this schedule.

Mr. Gamelsky explained that a diver underwater inspection of the dam gate valve and pipes, including underwater videotaping, was necessary to complete in the next few weeks, before temperatures turn colder.

Susan Shimer, Pond Lane, questioned if the removal of trees would create unstable ground. Mr. Gamelsky stated that is not the situation in this case. To Ms. Shimer's request for clarification of the type of necessary repairs, Mr. Gamelsky stated that repairs were needed to the spillway and to a repair a little seep, and that the dam may need regrading and also may need to be built up, particularly on the southern end.

Jeffrey Allen, Long Pond Road, questioned if more damage to the dam would be done by removing trees in winter time, thereby increasing project expenses. Mr. Gamelsky stated that stumps would be ground up and backfilled so that ground cover could be established on the dam.

Tony Futia, Custis Avenue, objected to the Town sharing in the expense of the work with taxpayers having to pay 47% of the cost. He stated that he will challenge this as he believes it is a gift of public funds. He stated that he will challenge the Town Board personally because he believes it is unfair.

Supervisor Schiliro confirmed with Town Attorney Baroni that the Town was named as an owner of the dam by NYSDEC in the Notice of Violation. The Supervisor also stated that when property owners surrounding Long Pond were asked during a Town Board Work Session if they wanted the pond drained, all but one resident (Jeffrey Allen) replied no.

In response to a query from the Supervisor concerning potential legal action by Mr. Futia, Town Attorney Baroni said that the time for any litigation would be after the Town Board adopts a Final Order, upon approval of the District by the State Comptroller. If the repairs were interrupted by litigation and there were to be catastrophe, he couldn't say who might be held liable.

Ms. Shimer commented that guiderails do not prevent people from using the pond. She also said that one elderly neighbor did not come to the Town Clerk's Office to sign the Petition to form the district because of verification that a majority of homeowners had signed the Petition.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:45 p.m.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, adoption of the Resolution making certain determinations in relation to the proposed establishment of Long Pond Park District in the Town of North Castle, as follows:

RESOLUTION DATED AUGUST 5, 2015

A Resolution Making Certain Determinations

In Relation to the Proposed Establishment of

Long Pond Park District in the Town of North Castle

Westchester County, New York

WHEREAS, pursuant to Section 190 of the Town Law, the Town Board of the Town of North Castle, Westchester County, New York, has heretofore received a petition therefore and duly caused a map, plan and report to be prepared and filed in the office of the Clerk of said Town in relation to the establishment of the Long Pond Park District in said Town.

WHEREAS, an order was duly adopted by said Town Board on June 24, 2015, reciting a description of the boundaries of said proposed District by Tax Map Designation, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 22nd day of July, 2015, at 7:30 o'clock P.M., Prevailing Time, at Town Hall, in North Castle, New York, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard, and the public hearing was then adjourned; and

WHEREAS, the public hearing was re-convened on August 5, 2015, at which time all persons desiring to be heard were duly heard and the public hearing then closed; and

WHEREAS, said Town Board has duly considered said petition, map, plan and report and the evidence given at said public hearing;

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

a) The notice of hearing was published, posted and mailed as required by law, and is otherwise sufficient;

b) All the property and property owners within said proposed District are benefitted thereby;

c) All the property and property owners benefitted are included within the limits of said proposed District; and

d) It is in the public interest to grant, in full, the relief sought.

Section 2. The resolution shall take effect immediately.

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

Michael Schiliro	voting Aye
Stephen D'Angelo	voting Aye
Barbara DiGiacinto	voting Aye
Barry Reiter	voting Aye
Guy Mezzancello	voting Aye

and the resolution was thereupon declared duly adopted.

Councilman D'Angelo moved, seconded by Councilman Reiter, adoption of the Resolution approving the establishment of Long Pond Park District in the Town of North Castle, as follows:

#### RESOLUTION

A Resolution Approving the Establishment of the  
Long Pond Park District in the Town of North Castle,  
Westchester County, New York

WHEREAS, pursuant to Section 190 of the Town Law, the Town Board of the Town of North Castle, Westchester County, New York, received a duly executed Petition and caused a map, plan and report to be prepared and filed in the office of the Clerk of said Town in relation to the establishment of the Long Pond Park District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on June 24, 2015, reciting a description of the boundaries of said proposed District by Tax Map Designation, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map and plan were on file in the Town Clerk's Office for public inspection and specifying the 22nd day of July, 2015, at 7:30 o'clock P.M., Prevailing Time, at Town Hall, in North Castle, New York, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law, and proof of said publication and posting has been duly presented to said Town Board;

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard and the public hearing was then adjourned; and

WHEREAS, the public hearing was re-convened on August 5, 2015, at which time all persons desiring to be heard were duly heard; and

WHEREAS, said public hearing was then closed the evening of August 5, 2015; and

WHEREAS, following said public hearing, and based upon evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in Section 194, Subdivision 1 of the Town Law; and

WHEREAS, it is now desired to adopt a further resolution pursuant to Subdivision 2(b) of Section 194 of the Town Law approving the establishment of said district, and the rendering of services proposed therefore;

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

Section 1. The establishment of the Long Pond Park District in the Town of North Castle, Westchester County, New York, pursuant to proceedings undertaken pursuant to the Town Law and the statutes of the State of New York, to be known as the North Castle Long

Pond Park District to be bounded and described as set forth in Exhibit “A” attached hereto and made a part hereof, and the rendering of services required in connection therewith, all as more fully described in the map, plan and report hereinbefore described, at a maximum estimated cost of \$335,000. is hereby approved and authorized.

Section 2. The Town Clerk is hereby ordered and directed within ten (10) days of the adoption of this resolution to (i) record a certified copy of this resolution with the Clerk of the County of Westchester; and (ii) file a certified copy of this resolution with the Office of the Department of Audit and Control in Albany, New York.

Section 3. The Town Attorneys, with the assistance of the Finance Department, are directed to prepare the necessary application to the New York State Comptroller’s Office for approval of this proposed district and the Supervisor is authorized to execute said Application.

Section 4. The North Castle Town Board hereby determines pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law that creation of the North Castle Long Pond Park District will not have a significant impact on the environment.

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

Michael Schiliro	voting Aye
Stephen D’Angelo	voting Aye
Barbara DiGiacinto	voting Aye
Barry Reiter	voting Aye
Guy Mezzancello	voting Aye

and the resolution was thereupon declared duly adopted.

Councilman D’Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to submit the application to NYS Comptroller for permission to establish Long Pond Park District.

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

Michael Schiliro	voting Aye
Stephen D’Angelo	voting Aye
Barbara DiGiacinto	voting Aye
Barry Reiter	voting Aye
Guy Mezzancello	voting Aye

---

Anne Curran, Town Clerk

Dated: August 31, 2015