

Meeting of the Town Board, Town of Yorktown held on December 31, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence Murphy, Councilman
Susan Siegel, Councilwoman

Absent: Vishnu V. Patel, Councilman

Also Present: Alice E. Roker, Town Clerk
Sharon Robinson, Acting Town Engineer
John Winter, Building Inspector
David Rambo, Water Distribution Superintendent
Kim Penner, Sole Assessor

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel, the Town Board moved into Executive Session to discuss the Town's insurance policies.

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel the Town Board moved out of Executive Session

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

ADOPTION OF LOCAL LAW TO
AMEND THE ZONING MAP
RESOLUTION #541

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, on December 16, 2014, the Town Board of the Town of Yorktown ("Town Board") held and closed a duly noticed public hearing to consider the Verified Petition For A Zoning Map Amendment, dated August 8, 2014 (the "Verified Petition"), from UB YORKTOWN, LLC ("UB"), REALTY INCOME PENNSYLVANIA PROPERTIES TRUST 2 ("REALTY"), and BJ'S WHOLESALE CLUB, INC. ("BJ's," collectively with UB and REALTY, the "Petitioners"); and

WHEREAS, REALTY is the owner of certain real property, comprised of ±7.3 acres, known on the Town Tax Map as parcel 36.06-2-75 ("Lot 75"). Lot 75 is the property upon which the BJ's Wholesale Club #76 ("Yorktown BJ's") building and some of its associated parking is located; and

WHEREAS, UB is the owner of certain real property, comprised of ±15.7 acres, known on the Town Tax Maps as parcel 36.06-2-76 ("Lot 76"). A portion of the associated parking for Yorktown BJ's is located on Lot 76; and

WHEREAS, the Verified Petition sought to rezone from C-1 to C-3 the entire ±7.3 acre Lot 75, and a ±2.8 acre portion of Lot 76 (the "Proposed C-3 Area"); and

WHEREAS, upon referral of the Verified Petition to the Planning Board, the Planning Board recommended that the lot line comprising the southern boundary of the Proposed C-3 Area on Lot 75 be relocated, to the retaining wall of the Yorktown BJ's building; and

WHEREAS, upon due consideration, the Town Board adopted the Planning Board recommendation, except that the Town Board determined that rather than moving the line to the retaining wall as recommended by the Planning Board, the line should be moved 67 feet south of the retaining wall in order to allow the C-3 Zoning District to encompass not only the Yorktown BJ's building, but also an existing access driveway on Lot 75, thereby rezoning the entire Yorktown BJ's use, while still terminating the southern C-3 Zoning District line on Lot 75 at a distance of ±360 feet from the adjoining residential properties to the south of Lot 75 (the "Revised Proposed C-3 Area"); and

WHEREAS, on December 19, 2014, the Town Board duly adopted a Resolution approving said Verified Petition, as amended to reflect the Revised Proposed C-3 Area (the "Rezoning Resolution"); and

WHEREAS, the Town Board wishes to adopt and reaffirm the provisions of the Rezoning Resolution in the format of the local law annexed hereto and made a part hereof for filing with the New York State Secretary of State.

NOW, THEREFORE BE IT RESOLVED that subject to all of the terms and conditions of the Rezoning Resolution, the Town Board hereby adopts the annexed Local Law to amend the Town of Yorktown Zoning Map to rezone the Revised Proposed C-3 Area from C-1 to C-3; and

BE IT FURTHER RESOLVED, that except as otherwise specifically set forth herein, all terms, conditions and provisions of the Rezoning Resolution shall continue in full force and effect.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE FUND BALANCE
TRANSFER
RESOLUTION #542

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

RESOLVED, that the Comptroller is authorized to transfer \$43,958.32 from Fund balance to D5112.210 (hwy paving line) to pay Bilotta Construction for 2014 paving.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE WATER DEPARTMENT
BUDGET TRANSFER
RESOLUTION #543

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

Resolved, that the Comptroller is authorized to transfer \$500,000 from the Water Department Fund Balance to the Water Department Water Purchase Line (SW.8320.0450) for the purchase of water from Northern Westchester Joint Water Works for November and December of 2014.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE VACATION CARRYOVER
RESOLUTION #544

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, the following employees have requested and received permission from their applicable department head to carry 2014 accrued time for use in 2015, and

WHEREAS, the comptroller has confirmed the available balances, now

THEREFORE BE IT RESOLVED, the following employee may carry over vacation time balances remaining, unless the employee has taken vacation time after 2014 Payroll 24 which would reduce the time listed below:

<u>Name</u>	<u># hours</u>
Thomas Travis	37.25

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE PAYMENT FOR HOLLAND SPORTING CLUB SCREENING OF MATERIAL RESOLUTION #545

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

Whereas, on November 18, 2014, the Town Board approved the use of \$15,500 to be taken from the TE37 Parkland Trust for the screening of materials at the Holland Sporting Club, and

Whereas, an additional \$3,500 is needed for the completion of the work, now

Therefore Be It Resolved, that an additional \$3,500 is hereby approved for a total of \$19,000 for work performed by Casa Verde Corp to provide screening of materials at Holland Sporting Club.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE EXTENSION OF BID FOR PARKS DEPARTMENT BROCHURE RESOLUTION #546

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

RESOLVED, that the Town Board authorizes the extension of the Yorktown Department of Parks and Recreation Bi-Annual Brochure Bid, which was awarded to Graphic Image, Inc. 561 Boston Post Road, Milford, CT. 06460, per the terms of the contract for one additional year, January 1, 2015 through December 31, 2015.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH ARTHUR J. GALLAGHER FOR INSURANCE COVERAGE RESOLUTION #547

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

Be It Resolved, that the Town Board authorizes the Supervisor to sign a contract with Arthur J Gallagher & Co for insurance coverage for the calendar year 2015. Total costs for property, equipment floater, equipment breakdown, general liability, automobile, umbrella, E&O public officials liability, law enforcement liability, workers comp, excess employers liability and other-ocp premiums are \$693,974.00.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE THE REBID FOR THE PLUMBING WORK FOR THE GENERATOR AT THE YCCC RESOLUTION #548

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

Whereas, only one bid was received for the Yorktown Community & Cultural Center Emergency Generator Plumbing Contract on Monday, December 29, 2014, now

Therefore Be It Resolved, the Town Board rejects this bid and authorizes the rebid of this project.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE THE EXTENSION OF THE BID FOR ELECTRIC WORK ON TOWN BUILDINGS
RESOLUTION #549

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

RESOLVED, that the Annual Maintenance for Electrical Work on Town Buildings for the Town of Yorktown be hereby extended for one year per the terms of the bid agreement to Michael Dubovsky (Hanover Electric), 251 G Underhill Avenue, Yorktown Heights, NY 10598. The date of the extension will be from November 16, 2014 to November 17, 2015.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

APPROVE THE EXTENSION OF THE CONTACT WITH CORNERSTONE APPRAISAL ASSOCIATES
RESOLUTION #550

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

RESOLVED, that the Town Board authorizes the Supervisor to sign an amendment to the agreement between the Town and Cornerstone Appraisal Associates, Inc., for environmental consulting services, dated October 16, 2012, changing the end of the contract term from December 31, 2014 to February 28, 2015.

Grace, Murphy, Siegel Voting Aye
Resolution adopted.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

The Town Board Meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown