



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD AGENDA**

**June 5, 2018**

**Spadaccia Meeting Room**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:45 PM EXECUTIVE SESSION (Closed Session):**

- A motion will be made to go into Executive Session to discuss the following item(s):

#### PERSONNEL

Town Clerk

Water Department

#### LITIGATION AND NEGOTIATIONS

Legal Department

### **7:30 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. PRESENTATION
  - Arbor Day Poster Contest
  - Yorktown Teen Center
  - Fluoridation Update
7. COURTESY OF THE FLOOR

8. PUBLIC HEARINGS

**Convene Public Hearing to consider the Wetland Permit Application received from the Mohegan Lake Improvement District to maintain and improve the lake**

The Town Board will convene a public hearing to consider the Wetland Permit Application received from the Mohegan Lake Improvement District for work to be done at Mohegan Lake. The request is to perform the following work: to maintain and improve the lake environment for the homes, 7 beaches, and Town parkland. Such work may include fish stocking, aeration, weed harvesting, garbage cleanup, maintenance of aeration sheds/equipment, maintenance of areas to access the lake, removal of invasive species, and chemical treatments to control harmful algal blooms and the toxins they produce.

**Convene Public Hearing to consider the Wetland Permit Application received from Con Edison for work to be done along Gomer Street between Homestead Road and Granite Springs Road to replace and upgrade steel gas main**

The Town Board will convene a public hearing to consider the Wetland Permit Application received from Con Edison for work to be done along Gomer Street between Homestead Road and Granite Springs Road. The proposed work is to replace and upgrade an 8-inch pressure steel gas main with a 16-inch high pressure steel gas and 8-inch polyethylene gas main. Limited work is also planned for local side street. Related ancillary equipment installation will also be included.

9. RESOLUTIONS

**From the Town Attorney**

**Authorize Supervisor to execute and sign a Stipulation of Settlement agreement with Sober Living Residence**

WHEREAS, an Article 78 Action in New York Supreme Court Westchester County, under Index # 2502-2017, has been commenced by the Petitioners, Thomas McCrossan, Mark McGoldrick, Release Recovery, LLC, Doah Property LLC, Justin Gurland, Matthew Rinklin and Zachary Clark, in August of 2017, as against the Respondent the Town of Yorktown, and

WHEREAS, this Article 78 proceeding challenged a determination of the Yorktown Town Board revoking a certain Special Use Permit granted to Petitioners to operate a Sober Living Residence at 482 Underhill Avenue Yorktown Heights, New York, and

WHEREAS, an action was commenced in the United State District Court Southern District of New York, under Case number 17-CV-05537, Plaintiffs Release Recovery, LLC and DOAH Property LLC in July 2017, as against the Defendant, the Town of Yorktown, and

WHEREAS, this action in the United States District Court was seeking monetary damages and for injunctive relief for alleged intentional discrimination in violation of the Federal Fair Housing Act and the American Disabilities Act; and this action having been discontinued without prejudice, and

WHEREAS, the Plaintiffs have the right to commence this action again in the United States District Court, and

WHEREAS, the Town Board has reviewed all of the facts and circumstances of the aforementioned actions, and a determination being made that the Town Board cannot regulate the operation of the aforementioned use of the premises as a sober living residence, and

WHEREAS, the Town Board has made determination that it is in the best interest of the Town of Yorktown to settle this matter and avoid prolonged costly litigation, and

WHEREAS, the Town Board has negotiated a proposed settlement agreement with Petitioners, that provides as follows:

1. The Petitioners to issue General Releases to the Town of Yorktown on both the aforementioned Article 78 and the Federal Action for violations of the American Disabilities Act and the Fair Housing Act;
2. That the Town of Yorktown will pay no monetary compensation to the Petitioners;
3. That the Town will acknowledge that the Sober Living Residence is a permitted use as of right as a single family residential use, and therefore it is not necessary to issue or modify any special use permit;
4. That the Town board declines to reissue a Special Use Permit because the Sober Living Residence is a legal use as a single-family residence under the present Town of Yorktown Town Code;
5. That the Town Board shall not seek to regulate details of the operations of the Sober Living Residence, however, the Town Board shall continue to seek and press Federal and State authorities to enact viable legislation to regulate Sober Living Residences; and
6. The Petitioners have agreed that their Sober Living Residence is subject to all future Federal and State Laws.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is authorized to execute and sign a Stipulation of Settlement with the aforementioned Petitioners.

**From the Town Supervisor**

**Appoint Town Supervisor as Marriage Officer**

WHEREAS, Chapter 49 of the Laws of 1988 added a new Section 11-c to the New York Domestic Relations Law, empowering the governing body of any Village, Town or City to appoint one or more Marriage Officers and fix their compensation; and

WHEREAS, the Town Board of the Town of Yorktown, a duly constituted Town of the Suburban Class, deems it necessary and proper to create the position of Marriage Officer, possessing statutory authority to solemnize marriages within the Town;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of such Section 11-c of the Domestic Relations Law, Ilan D. Gilbert, Town Supervisor, is hereby appointed a Marriage Officer of the Town of Yorktown, and be it

FURTHER RESOLVED, that said Town Supervisor shall be paid \$75 as compensation for solemnizing marriages within the Town, which compensation shall be in addition to the compensation received as Town Supervisor, and be it

FURTHER RESOLVED, that this appointment shall take effect on June 5, 2018, and shall continue for a term ending on December 31, 2019.

**From the Town Clerk**

**Authorized Town Clerk to transmit a home rule request form for the Illington Road Alienation**

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen (“Parcel”) constituting 5.73 acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11;

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland;

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity.

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be an Unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of June 5, 2018 in support and passage of Assembly Bill 10453A and Senate Bill 7118A,

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and Assembly.

**Authorize Town Clerk to advertise Bid for the Installation of the pavilion and adaptive dugouts at Granite Knolls Sports Complex**

Resolved, that the Town Clerk is authorized to advertise bid for the Installation of the pavilion and adaptive dugouts at Granite Knolls.

**Authorize Town Clerk to advertise Bid for the resurfacing and reconstruction of the Town tennis courts**

Resolved, that the Town Clerk is authorized to advertise bid for the resurfacing and reconstruction of the Town tennis courts.

**From the Building Department**

**Authorize Supervisor to sign an agreement with International Code Council for plan review of Seritage Finance, LLC**

Resolved, that the Supervisor is authorized to sign an agreement with the International Code Council for plan review for Seritage SRC Finance, LLC/Sears in the amount not to exceed \$15,000.

**Authorize Comptroller to process the following budget transfer**

Be It Resolved, that the Comptroller is hereby authorized to process the following budget transfer to process payments to ICC for plan review work to be completed for the Sears Project located on Lee Road, Yorktown Heights:

From:		
A1990.490	Contingency	\$15,000.00
To:		
A3620.0490	Building Professional Services	\$15,000.00

**From the Engineering Department**

**Authorize Release of Bond #BSWPPP- 035-17-Eddie Bazinet aka Eddies Yard**

Whereas,

1. Eddie Bazinet as applicant for a land development project at the Abbate Residence, 3279 Linda Court, posted check #2303 in the amount of \$250 to serve as the Erosion Control Bond which was deposited to the T33 account on June 21, 2017.
2. Eddie Bazinet as applicant has requested monies be released as the project work is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

Now, Therefore Be it Resolved, that the above referenced monies totaling \$250 be and is hereby released to Eddie's Yard, 898 Parkway Place, Yorktown Heights, NY 10598.

**Authorize Release of Bond #BSWPPP-T-001-17 – Hiltania Alba**

Whereas,

1. Hiltania Alba as applicant for a land development project, posted check #176 in the amount of \$250 to serve as the Erosion Control Bond which was deposited to the T33 account on May 4, 2017.

2. Hiltania Alba as applicant has requested monies be released as the project work is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

Now, Therefore Be it Resolved, that the above referenced monies totaling \$250 be and is hereby released to Hiltania Alba, 2609 Broad Street, Yorktown Heights, NY 10598.

**From the Highway Department**

**Extend Bid for the Asphaltic Concrete Laid In-Place – Highway Department**

WHEREAS, invitation to bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 22, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Clove Excavators, Inc., 212 Van Wagner Road, Poughkeepsie, NY 12603.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2018 to July 31, 2019.

**Extend Bid for Pavement Markings – Highway Department**

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on April 27, 2017,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Accent Stripe, Inc., 3275 N. Benzing Road, Orchard Park, NY.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2018 to July 31, 2019.

**Extend Bid for Street Light Maintenance and Repair Services – Highway Department**

WHEREAS, invitation to bid for the Street Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 18, 2016,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2018 to August 14, 2019.

**Extend Bid for Street and Traffic Signs – Highway Department**

WHEREAS, invitation to bid for the Street & Traffic Signs for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on May 15, 2017,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street & Traffic Signs for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Traffic Lane Closures, LLC, 1214 Rt. 52, Carmel, NY 10512.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2018 to July 31, 2019.

**Extend Bid for Traffic Light Maintenance and Repair Services – Highway Department**

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 8, 2016,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Verde Electric, 69 Edison Ave., Mt. Vernon, NY 10550.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2018 to August 14, 2019.

**From the Northern Westchester Joint Water Works**

**Authorize Refund of Overpayment of Water Bill Account #44-03790007**

Resolved, that upon the recommendation of Cliff Kummer, NWJWW, in the amount of \$348.13 be refunded to Account No. 44-03790007 due to an overpayment of a water bill.

**Authorize Refund of Overpayment of Water Bill Account #43-10290373**

Resolved, that upon the recommendation of Cliff Kummer, NWJWW, in the amount of \$364.24 be refunded to Account No. 43-10290373 due to an overpayment of a water bill.

**From the Parks and Recreation Department**

**Request to waive Building Permit Fees for all building construction at the Granite Knolls Sports Complex**

Resolved, that the Town Board waives the Building Permit fees for any and all construction of buildings at the Granite Knolls Sports Complex.

**Authorize Site Design Concepts to draft Sewer Easement Site Plan for Granite Knolls Sports Complex through Shrub Oak International School property**

Resolved, that Joseph Riina, Site Design Concepts, is authorized to draft a proposed sewer easement site plan for Granite Knolls Sports Complex through the Shrub Oak International School property, in an amount not to exceed \$1,500.

**From Police Department**

**Appoint Thomas Nadoraski Detective in the Yorktown Police Department**

Resolved, that effective June 5, 2018, Police Officer Thomas Nadoraski is hereby assigned, at the discretion of the Chief of Police, as Detective in the Yorktown Police Department at an annual salary of 118,956.00.

**Authorize Comptroller to pay the tuition/book costs of Police Officer John E. Doherty**

Whereas, the Yorktown Police Department would like to reimburse P.O. John E. Doherty for courses he is taking towards his Master's Degree in Public Administration,

Now, Therefore Be It Resolved, that the Town Board of the Town of Yorktown authorizes the Town Comptroller to pay the Summer 2018 tuition/book costs for Police Officer John E. Doherty upon the satisfactory completion of said courses, in the amount of \$1,077.49.

**Authorize Town Comptroller to pay annual stipend to P.O. Champion for K9 care**

WHEREAS, the Town Supervisor is authorized to sign the Stipulation to Amend Article III, Section 5 of the Collective Bargaining Agreement between the Town of Yorktown and the Town of Yorktown Police Benevolent Association, Inc. to increase the compensation schedule for P.O. Champion of the Canine Unit to the annual stipend of \$3,832.50 for caring and maintaining of K9 Spar during his off-duty time.

The effective date for this stipend was March 21, 2018. The pro-rated stipend to be paid to P.O. Champion at the time of the second holiday pay payment shall be \$3,024.00.

**From the Receiver of Taxes**

**Authorize Refunds of Duplicate Tax Payments**

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the attached duplicate tax payments.

**From the Teatown Lake Reservation**

**Endorse Teatown Lake Reservation applying for NYS Environmental Protection Fund Grant**

WHEREAS, Teatown Lake Reservation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 1595 Spring Valley Road in Ossining, NY, a site located within the territorial jurisdiction of the Yorktown Town Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, Be It Resolved, that the Yorktown Town Board hereby does approve and endorse the application of Teatown Lake Reservation for a grant under the Environmental Protection Fund for a park project known as the *Regional Science Education Center* and located within this community.

10. **MONTHLY REPORTS**

Receiver of Taxes – March, April and May 2018  
Town Comptroller - Revenue and Expense Reports May 2018

11. **ADJOURN MEETING**

A motion will be made to adjourn the Town Board meeting.

Dated: June 5, 2018

DIANA L. QUAST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN

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**AGENDAS ARE SUBJECT TO CHANGE**

**Americans with Disabilities Act:** If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.