

Meeting of the Town Board, Town of Yorktown held on Tuesday, March 26, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
 Alice E. Roker, Deputy Supervisor
 Vishnu V. Patel, Councilman
 Thomas P. Diana, Councilman
 Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
 Richard Abbate, Town Attorney

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

REZONING REQUEST – 675 & 685 SAW MILL RIVER ROAD

Mr. Michael Raneri, Zarin & Steinmetz, attorney for the applicant (Anthony Sarlo) came before the Board to discuss his applicant's rezoning request for property located at 675 and 685 Saw Mill River Road to a C-4 Zone. It is a six-family dwelling on a six-acre parcel in country commercial zone. These are subdivided lots; the zoning change is for two lots in order to offer extended parking for tenants in the six-family dwelling.

Supervisor Gilbert asked if there were any anticipated problems with DEC or DEP since they are very strict with properties along Route 129 & the reservoir. Mr. Sarlo said that DEP indicated the property was far enough way from the reservoir and there will be no storage of hazardous material.

Director of Planning, John Tegeder said he believes the DEP will closely scrutinize this property. Mr. Sarlo said they are 300 feet away from the reservoir and more than 500 feet from streams that run into it. He indicated they would only be using item 4 to blacktop the property for parking. Mr. Sarlo is trying to get a return on his investment – going to C-4 would help this.

Supervisor Gilbert wondered what the Town would be opening the site up to by allowing the rezoning. Mr. Tegeder stated it would open it up to commercial development (one piece is already country commercial). Councilwoman Roker asked how many trucks did the applicant plan having parked there because other residents in the area may have a concern and if it would be in violation of Town code. Mr. Sarlo said if the zoning was changed, there would be no code violation. DEP said the laying down of Item 4 would be allowed on the 40,000 square feet to accommodate the truck parking.

Councilwoman Roker asked again how many trucks would be parked there and Mr. Sarlo said as few as possible; he estimated twenty. The parking will be split between two lots – an upper level and lower level. Councilman Diana said the issue of commercial parking has been an issue for many years in Yorktown since it is so limited. He said they will probably have to do a site visit to be able to understand what the applicant is trying to do.

Mr. Tegeder said that C-4 is considered a heavy highway commercial zone. Supervisor Gilbert voiced his concern about what this rezone would open the area up to in terms of future development. Mr. Sarlo said he is currently utilizing about a quarter acre. He is using nothing on the country commercial lot now (the front parcel); only on the residential lots. Mr. Tegeder asked if the applicant looked into a special use permit for parking commercial vehicles in residential zones and the applicant said he has not yet gotten to that point. Mr. Raneri said they were directed to come to the Board first.

Michael Quinn said that it would be DEP's jurisdiction as far as storm water issues.

The Board will do a site visit on April 6 at 9:00 a.m.

PANBAR REALTY – ASPEN ROAD

Town Engineer Michael Quinn explained that this project requires a Town Board action for land disturbance for more than 200 cubic yards. The property is located at 1285 Aspen Road, which is a vacant lot with a very steep slope. The applicant, John Barile, was also present. The property would be on a septic system and they stated that they have received prior approval from Westchester County Department that has lapsed and they are now re-obtaining said approval. This is a 4-acre site on which the applicant wishes to build a house. Mr. Quinn stated that this is a solid building site and what they have submitted is pretty much all they can do to develop the site. Supervisor Gilbert asked if there were any storm water issues for neighbors to which Mr. Quinn replied the only issue is water running onto a proposed driveway, which the developer has accounted for. There was some debate as to whether or not it is a town road; a variance may be required. Councilwoman Roker stated that this project needed to be referred out to the appropriate agencies.

AUTHORIZE TOWN CLERK TO REFER OUT STORMWATER POLLUTION PREVENTION PLAN AND TREE REMOVAL PLAN FOR CONSTRUCTION OF SINGLE FAMILY HOME 1285 ASPEN ROAD RESOLUTION #120

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

RESOLVED, the Town Clerk is authorized to refer out the Stormwater Pollution Prevention Plan and Tree Removal applications from PanBar Realty for property located at 1285 Aspen Road, also known as Section 5.71, Block 1, Lot 11 on the Tax Map of the Town of Yorktown for the construction of a single-family home to the agencies listed below. The Town Clerk and the Town Board would like any/all comments and/or recommendations by April 26, 2019.

New York State: New York State DEC, Region 3
New York District – US Army Corps of Engineers

New York City: New York City DEP

Westchester County: Westchester County Planning Department/Board
Westchester County Soil & Water Conservation District
Westchester County Health Department

Town of Yorktown: ABACA
Building Inspector
Conservation Board
Planning Department/Board
Town Attorney
Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

HMSD EXTENSION PROJECT – STATUS UPDATE

Town Engineer Michael Quinn gave an overview and update of the Hallocks Mill Sewer District Project. He said there are 5,200 parcels in the district; 1600 of which are not connected (200 of which are vacant lots). Much of what Mr. Quinn presented will be uploaded onto the Town’s website for residents to view. The Board is in favor of the project and the Town Engineer will move forward with a petition. Councilwoman Roker cautioned that they must follow what NYS wants on a petition.

QUALITY OF LIFE COMMITTEE

Councilman Diana sponsored this committee in 2016 but no one came forward to fill vacancies. Supervisor Gilbert said the Town should reconsider the components and the types of individuals that should be appointed to this committee and maybe this will draw more interest from people. He felt that there should be a cross section of Town residents represented on the committee. Supervisor Gilbert listed the Town representatives that were to sit on the Committee and it only included one resident. Councilman Diana said the intent was that the resident on the committee would be the liaison to the community. Councilman Lachterman said this was something similar to the Public Safety Committee. He said that all of the meetings would be open to the public. Both Councilwoman Roker and Supervisor Gilbert felt more residents on the committee would mean more eyes and ears to the ground. Councilman Diana said a town employee must be on the board so that the Town codes can be followed and further stated this person needs to be present at every meeting because if not, the issues have a tendency to get put aside.

Supervisor Gilbert said the Board needed to either expand the committee or change some of the components. Life needs to be breathed back into this committee.

Town Attorney Richard Abbate said a code change will need to happen in order to change the membership. He will draft an amendment to the code.

Supervisor Gilbert announced that if any member of the public is interested, he or she should contact his office. Ultimately, he would like to see a resident from each of the hamlets volunteer to sit on the committee.

Ms. Patricia Hallinan, Library Director, spoke about the bid for the rehabilitation of the bathrooms at the library. The original contractor underbid the project and over time it was more prudent to let him back out. A discussion about bid bonds and performance bonds ensued. Town Clerk Diana Quast explained that the process begins with a bid bond and then a performance bond is issued when the bid is awarded. A bid bond not a performance bond was required in this bid. The Board also discussed the option of holding the contractor to the bid and if it was worth moving forward with legal action. Mrs. Hallinan discussed the sequence of events that led up to releasing the bidder from the project. It seemed to be determined that the time and costs involved may not warrant pursuing this. Town Engineer Michael Quinn said that the bidder should be put on notice that the Town has a claim against him. The Board discussed where this bid failed in the process. Councilwoman Roker felt that the problem was how the bid was written and that it needed to be clearer. Mrs. Hallinan said there was no doubt this could have been done better and that this was a new process for her, as well. She then discussed the implications of the grant that was awarded for this project. Supervisor Gilbert said he thought this incident is proof that the Town could use a grant writer.

The issue was raised that the contractor chosen was not the lowest bidder. Town Clerk Diana Quast said that the Library is covered under the Library Board of Trustees who made a recommendation to go with the company they chose based on the information they received. She said that this should not become a “blame game” and the project should move ahead to achieve completion.

The need for the requirement of a performance bond in the bid process was viewed favorably by the Board for future bids.

Mrs. Hallinan said she wrote another grant to the New York State Department of Library Development for the installation of LED lights. The Library received the full funding of \$24,000. \$48,000 got \$24,000 full funding. The Library Board decided that rather than wait for the final approval and check to go ahead and use the Trustee Gift Funds to get the project done and wait for the reimbursement. However, when the check comes from the State, it gets deposited into the Library Fund Balance and they would want some kind of guarantee that this money would not be used to balance their operating expenses but be used for the next capital project. Councilwoman Roker said this is not a hard thing to do – just a request by resolution.

APPOINT MARK RAPISARDA ADMINISTRATIVE SERGEANT OF THE DETECTIVE BUREAU – YORKTOWN POLICE DEPARTMENT
RESOLUTION #121

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED, the Town Board of the Town of Yorktown authorizes Mark Rapisarda to be paid a stipend of \$280.76 per pay period for the performance of the duties of Administrative Sergeant of the Detective Bureau, effective March 29, 2019.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPOINT MATTHEW RACIOPPO POLICE SERGEANT – YORKTOWN POLICE DEPARTMENT
RESOLUTION #122

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED, that Matthew D. Racioppo is hereby appointed promotional permanent as a Police Sergeant, job class code 0133-01, from Eligible List No. 71-198, effective March 29, 2019 to be paid from Yorktown PBA Salary Schedule, which is \$125,946.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on March 29, 2019.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

REAPPOINT GORDON FINE TO THE ZONING BOARD OF APPEALS AND AS CHAIR
RESOLUTION #123

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

BE IT RESOLVED, that Gordon B. Fine be re-appointed as a member of the Zoning Board of Appeals for a term expiring on 12/31/21.

BE IT FURTHER RESOLVED, that Gordon B. Fine is hereby appointed as Chairman of the Zoning Board of Appeals.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO INCREASE THIS CAPITAL PROJECT FOR THE
RENOVATION OF THE JOHN C. HART MEMORIAL LIBRARY BATHROOMS TO \$123,000
RESOLUTION #124

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that the Comptroller is authorized to increase this capital project to \$123,000.00 and \$9,000 will be donated from the Library Trustees.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

RESCIND SHERWANI CONTRACTING, INC. BID AWARD AND AWARD BID FOR
BATHROOM RENOVATIONS AT THE JOHN C. HART MEMORIAL LIBRARY TO THE
SECOND LOWEST BIDDER NIKA CONTRACTING GROUP CORP.
RESOLUTION #125

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, invitation to bid for the bathroom renovation of the John C. Hart Memorial Library located at 1130 East Main Street, Shrub Oak, NY 10588 was duly advertised, and

WHEREAS, said bids were received and opened on the 14th day of November 2018, and

WHEREAS, the lowest bidder Sherwani Contracting, Inc. was unable to provide the materials as per the ALY document and withdrew its bid on March 14, 2019, and

WHEREAS, the bid amounts for the above-referenced project are summarized below:

Bidder	Amount
Sherwani Contracting, Inc.	\$114,000
Nika Contracting Group, Corp.	\$123,000
Vinco Builders	\$137,600
Collier Construction, LLC	\$156,500
Pearl River Plumbing, Heating, & Electric, Inc.	\$168,168
Piazza Inc., Inc.	\$233,936
Manhattan Premier Construction, Inc.	\$257,350

NOW, THEREFORE BE IT RESOLVED, that the Town Board rescinds the bid award to Sherwani Contracting, Inc. and awards the bid to the second lowest responsive bidder, Nika Contracting Group Corp., 83 Sands Point Road, Port Washington, NY 11050 in the Amount of \$123,000.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE POLICE OFFICER TO ATTEND LAW ENFORCEMENT CONFERENCE,
LODGING EXPENSES ARE \$841.00
RESOLUTION #126

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, that the Town Board approves lodging expenses of \$841.00 for a Yorktown Police Officer to attend a Law Enforcement Conference.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR T-SHIRTS AND UNIFORMS
RESOLUTION #127

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Wednesday, April 17, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the T-Shirt and Uniform Bid.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR LABORATORY SERVICES
FOR THE YORKTOWN HEIGHTS WATER POLLUTION CONTROL PLANT, BID #19-1
RESOLUTION #128

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

RESOLVED, Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Wednesday, April 17, 2019 for Laboratory Services for the Yorktown Heights Water Pollution Control Plant, Bid #19-1.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO DO THE FOLLOWING BUDGET TRANSFER - PUMP
STATION REHABILITATION
RESOLUTION #129

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, a professional service agreement with GHD Consulting Engineers was executed in March 2015 for \$465,300 for the Pump Station Rehab Project- Jefferson Park, Walden Woods, Jefferson Valley. Through 12/31/18, GHD was paid \$194,900, therefore there is an open balance of \$270,400.

NOW, THEREFORE BE IT RESOLVED, transfer \$270,400 from the Sewer Fund Balance into the HP.8130.0200 Equipment/Capital Outlay for the Pump Station Rehabilitation Project- Jefferson Park, Jefferson Valley and Walden Woods.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE STATE ENVIRONMENTAL QUALITY REVIEW ACT DETERMINATION FOR
BRENNAN WETLANDS/ STORMWATER POLLUTION PREVENTION PLAN - TYPE II
ACTION
RESOLUTION #130

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS:

1. This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law.
2. The Town of Yorktown desires to comply with SEQRA regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations") with respect to the Proposed Action;
3. Project Work Location: 2200 Saw Mill River Road, Town of Yorktown, Westchester County, New York. Parcel is indicated on the Town of Yorktown Tax Rolls as Section 37.10 Block 2 Lots 64, 66, 67.

4. Proposed Action in the Project: Under an earlier phase of work, the Applicant received Town approval to dredge up to 15,000 cubic yards of material from the bottom of pond using suction harvesting and excavating equipment. In the proposed new phase of the project, an existing stone dam will be substantially reconstructed in order to meet current state regulations regarding dam safety. While the dam work is underway a temporary channel will be installed to bypass the dam structure. Plans were prepared by P.W. Scott Engineering under the direction of a New York State licensed professional engineer Mr. Peder Scott, P.E. In support of this application the Engineer submitted signed and sealed plans, a stormwater pollution prevention plan and a site survey. It is noted that this activity requires a Town wetland and MS4 stormwater management permit in addition to regulatory approval/permits from NYSDEC, NYCDEP and/or the Army Corps of Engineers.
5. Under SEQRA regulations, a Type II Action may be declared where “ (1) maintenance or repair involving no substantial changes in an existing structure or facility; (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”;
6. The Project is not subject to further review under SEQRA since this is a “Type II Action” under 6 NYCRR § 617.5(c)(25).

NOW, THEREFORE, BE IT, RESOLVED that the Town Board of the Town of Yorktown declares that the Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) and that no further action under the SEQR Act and the Regulations is required; and BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE PARKS AND RECREATION DEPARTMENT TO AUCTION VEHICLES AND EQUIPMENT OBSOLETE OR NO LONGER NEEDED FOR PUBLIC USE
RESOLUTION #131

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, the Town of Yorktown has found that certain motor vehicles and motorized equipment are obsolete and no longer needed for public use by the Town, and

WHEREAS, the Parks and Recreation Superintendent recommends to the Town Board to dispose of the motor vehicles and motorized equipment,

NOW, THEREFORE, BE IT RESOLVED, the following vehicles and equipment are deemed obsolete and be disposed of by Absolute Auction:

2000	CHEVROLET S10 LIGHT PICKUP	VIN: 1GCDT14W7YK241258
1997	GMC FULL SIZE PICK UP	VIN: 1GTHK34J5VE553707
1992	CHEVROLET 3500 9' DUMP BED	VIN: 1GBJK34K1NE223691
2001	CHEVROLET S10 LIGHT PICKUP	VIN: 1GCDT19W61K129629

Motorized Equipment:

HYSTER FORKLIFT
1991 TORO 580 PARTS
WEED HARVESTER & TRAILER

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADJOURN MEETING

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board work session was adjourned.

DIANA L. QUAST
TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK