

Meeting of the Town Board, Town of Yorktown held on October 8, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney
Town Comptroller Patricia Caporale
Building Inspector John Winter
Acting Town Engineer Sharon Robinson
Highway Superintendent Eric DiBartolo
Water Distribution Superintendent David Rambo

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss the employment of a particular person and Advice of Counsel.

Upon motion made by Councilman Paganelli, seconded by Councilman Patel, the Town Board came out of Executive Session and resumed the Town Board Meeting.

WATER DEPARTMENT

Water Distribution Superintendent David Rambo discussed with the Town Board the need to replace the roof on the Water Department building and re-bid the replacement of the boiler due to asbestos on the pipes.

Supervisor Grace would like to hold off on the roof replacement and the Town Board agreed to reject and re-bid the replacement of the hot water boiler.

MARGELIZ CENTER – SOCIAL ADULT DAY CARE PROGRAM

The Town Board discussed having the Nutrition/Senior Services distribute meals to the Margeliz Center which is a Social Daycare Program on Baldwin Road. There would be a need for approximately 15 meals. The Town Board supports this request and will look into the legal venue to proceed.

COMPETITION CARTING

Mr. Dan Ciarcia was present to discuss with the Town Board a request from Competition Carting to use Richard Place for part of their operations.

Councilman Paganelli asked that employees of Competition Carting park off of Front Street.

Councilman Bianco stated that this is a town owned road and a license agreement would be needed between the Town and Competition Carting.

AUTHORIZE LICENSE AGREEMENT WITH COMPETITION CARTING RESOLUTION #436

Upon motion made by Supervisor Grace, seconded by Councilman Murphy,

Resolved, that the Town Board agrees to enter into a License Agreement with Competition Carting for use of Richard Place.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

WAIVE PUBLIC HEARING FOR WETLAND/STORMWATER PERMIT 738 EAST
MAIN STREET – RICHMOND CENTER
RESOLUTION #437

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

Whereas, the Town Board has determined that the changes to the plan are minor to the extent that a public hearing is waived

Whereas, the Town Board will refer the plan to engineering and the Town's Wetland Consultant for review of an amended wetland/stormwater permit application.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted

THE WINERY AT ST. GEORGE
RESOLUTION #438

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli,

Resolved, that the Town Board authorizes the Building Inspector to extend a Temporary Certificate of Occupancy to the winery for an additional 180 days.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted

BUILDING PERMITS

The Town Board discussed amending building permit fees and agreed to have legislation drafted by the Town Attorney Jeannette Koster.

424 CORDING ROAD

The Town Board reviewed a request to pave a section of a paper roadway located off Hickory Street. Other residents on the road do not want to have this section paved and they help maintain the current dirt roadway.

The Town Board agreed that a portion could be paved and would like to do a site visit.

AUTHORIZE PHASE II ENVIRONMENTAL ASSESSMENT HIGHWAY GARAGE
RESOLUTION #439

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Whereas, the Town of Yorktown retained Hydro Environmental Solutions, Inc. (HES) to perform the Phase I Environmental Site Assessment in August 2012 for the Highway Department

Whereas, the Town of Yorktown received Proposals in response to an RFP for the performance of a Phase II Environmental Site Assessment for the Highway Department in September 2013

Whereas, the Town of Yorktown has determined to move forward with the Phase II Environmental Site Assessment as proposed by HES

Whereas, HES's agreement with the Town and its insurances are to be accepted by the Town Attorney prior to beginning and project work

Whereas, the funding for the project shall be from the Town of Yorktown's fund balance and in accordance with HES's proposal dated September 24, 2013 not to exceed \$20,000

Resolved, that the Town Supervisor is authorized to sign the agreement with HES.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH GHD FOR
ADDITIONAL AIR EMISSION COMPLIANCE
RESOLUTION #440

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with GHD Consulting Services, Inc., for the Water Pollution Control Plant for the New York State Department of Environmental Conservation's air emission compliance permit, NOW, THEREFORE BE IT

RESOLVED, that the above referenced services is a lump sum of \$7,800.00.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ACCEPT BOND FEES – ASPEN & MILL SUBDIVISION
RESOLUTION #441

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

WHEREAS, Allan Rothman, as applicant and developer, provided the Town with Mahopac National Bank Letter of Credit #530001043 in the amount of \$49,738.00, to serve as the Performance Bond for the Aspen & Mill Subdivision located on Mill Street,

WHEREAS, Allan Rothman, as applicant and developer, provided the Town with Mahopac National Bank Letter of Credit #530001044 in the amount of \$5,000.00, to serve as the Erosion Control Bond, and

WHEREAS, Allan Rothman, as applicant and developer, provided the Town with Check No. 2736 in the amount of \$4,379.00, to serve as the 8% Inspection Fees, and

WHEREAS, Allan Rothman, as applicant and developer, provided the Town with #2739 in the amount of \$4,000.00, (\$3,000 to serve as the Wetland Bond and \$1,000.00 to serve as the Erosion & Sediment Control Inspection Fee) for Wetland/Excavation Permit #006-09, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced subdivision.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND FEES – 2416 HUNTERBROOK ROAD
RESOLUTION #442

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

WHEREAS, Kurt & Valerie Wiebke, as applicants, posted check #516 in the amount of \$350.00, which was deposited into the T33 Account on April 6, 2010, covering Wetland Permit #006-10, for work performed at their Hunterbrook Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$350.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$350.00, be and is hereby released to Mr. & Mrs. Kurt Wiebke, 2416 Hunterbrook Road, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND FEES – 2789 HEMLOCK STREET
RESOLUTION #443

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

WHEREAS, Thomas & Jackie Whipple as applicants, posted check #1097 in the amount of \$500.00 which was deposited into the T33 Account on June 5, 2009, covering Wetland Permit #017-09 for work performed at their Hemlock Street residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$500.00, be and is hereby released to Mr. & Mrs. Thomas Whipple, 2789 Hemlock Street, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND FEES – GAY RIDGE ROAD
RESOLUTION #444

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

WHEREAS, Val Santucci, as applicant, filed Landscape Bond #2349, in the amount of \$300.00, for Lot #32.5 in the Yorktown Farms Subdivision on Gay Ridge Road, which was deposited into the T-30 Account on February 21, 2013, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2349 in the amount of \$300.00 be and is hereby released to Mr. Val Santucci, 37 Croton Dam Road, Ossining, NY 10562.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND FEES – BUCKHORN STREET
RESOLUTION #445

Upon motion made by Councilman Bianco, seconded by Supervisor Grace,

WHEREAS, Stephanie Castaldo / LOL Liquors, Inc., as applicant, posted Check No. 3224 in the amount of \$1,800.00 which was deposited on September 26, 2013 (\$1,500 was deposited into T76 account and \$300.00 to A2116), to serve as the application fee for Town Board Wetland Permit #WP-072-13, for work performed to be performed at her Buckhorn Street residence, and

WHEREAS, the Town Board after their review has determined that the above referenced application can be handled administratively, and

WHEREAS, the balance of the application fee can be released to the applicant, and

WHEREAS, \$600 of the initial \$1,800 will be held by the Town (\$300 administrative application fee and \$300 refundable Wetland Bond, NOW, THEREFORE BE IT

RESOLVED, that the balance of the application fee in the amount of \$1,200.00 be and is hereby released to LOL Liquors, Inc., 36555 Lee Road, Jefferson Valley, NY 10535, Attn: Ms. Stephanie Castaldo.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE REIMBURSEMENT OF \$125.00 – 1729 SUMMIT STREET
RESOLUTION #446

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

WHEREAS, on the morning of August 27, 2013, Water Department personnel replaced a broken water meter at 1729 Summit Street, and

WHEREAS, on said date and subsequent to meter replacement the resident notified and reported to the Water Department's after-hours service a substantial leak on the piping just before the water meter, and

WHEREAS, it has been determined by the Water Distribution Superintendent to reimburse the homeowner of 1729 Summit Street, Yorktown Heights, NY for \$125.00 towards the costs of the repair performed by a licensed plumber.

THEREFORE BE IT RESOLVED, upon recommendation of the Water Distribution Superintendent, a payment in the amount of \$125.00 is hereby issued to Luigi Lanzi, homeowner of 1729 Summit Street, Yorktown Heights, NY.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – RENOVATION OF JOHN C. HART MEMORIAL LIBRARY
CHILDRENS ROOM
RESOLUTION #447

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

WHEREAS, invitation to bid for the renovation of the John C. Hart Memorial Library's Children's Room was duly advertised, and

WHEREAS, said bids were received and opened on Oct. 3, 2013, with the bid amounts for the above referenced project summarized as follows:

Divine Construction Corp. 618 Saw Mill River Rd. Yonkers, NY 10710	\$287,000.00
APN Construction Corp. 25-26 50 th St. Woodside, NY 11377	\$173,000.00
Subolo Contracting Corp. 433 Manville Rd. Pleasantville, NY 10570	\$170,000.00
Rok-Built Construction Inc. 1725 Front St. Yorktown Hgts. NY 10598	\$159,800.00
Meyer Contracting Corp. 12 Charles St. Pleasant Valley, NY 12569	\$149,000.00

RESOLVED, that upon recommendation of the Director of the Library, Patricia Barresi, the bid for the renovation of the Children's Room at the John C. Hart Memorial Library, be and is hereby awarded to Meyer Contracting Corp. , the lowest responsible bidder.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ACCEPT DONATION FROM SHRUB OAK ATHLETIC CLUB, YORKTOWN
ATHLETIC CLUB AND YORKTOWN YOUTH SOCCER CLUB
RESOLUTION #448

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli,

WHEREAS, the Parks and Recreation Commission voted and approved the acceptance of the following donations offered by the Shrub Oak Athletic Club, Yorktown Athletic Club and the Yorktown Youth Soccer Club:

- Greens Groomer Model 720SDE Brushes
- Greens Groomer Model STR, Spring Tine Rake
- 2000 Club Car Golf Cart (Rebuilt & Customized 2008)

NOW THEREFORE BE IT RESOLVED, that the Town Board accepts, with gratitude, the above described equipment.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE USE OF PARKS & RECREATION TRUST AND AGENCY FUND
SYLVAN GLEN PAW PARK – HUNTERBROOK FIELD
RESOLUTION #449

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli,

WHEREAS, the Parks and Recreation Commission voted and approved the use of Trust and Agency funds in the amount of \$23,487.04, to be used over the next three (3) months to complete the following projects:

Sylvan Glen Paw Park:

- Environmental Compliance Services, Inc. in the amount of \$4,537.04
- Fencing in an amount not to exceed \$18,000.00

Hunterbrook Field Realignment:

- Stormwater Pollution Prevention Plan - \$950.00

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the expenditure of \$23,487.04 from the Parks & Recreation Trust and Agency Fund to complete the above described projects.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REFER OUT THREE PARCELS TO ADVISORY COMMITTEE ON OPEN SPACE
RESOLUTION #450

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

RESOLVED, that the Town Attorney is authorized to refer three parcels off the 2008 Foreclosure List to the Advisory Committee on Open Space. Parcels are located at 1745 Concord Road, 1751 Concord Road and 1757 Concord Road.

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by October 29, 2013.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE DISPOSITION OF 2008 FORECLOSURES

The Town Board reviewed the 2008 foreclosure list and decided on their disposition.

TOWN BOARD AGENDA
OCTOBER 22, 2013

The Town Board discussed the October 22, 2013 Town Board meeting agenda which will be held at 363 Underhill Avenue, Yorktown Heights, NY 10598. The meeting will begin at 7:00 P.M.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli, the Town Board meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown