

Meeting of the Town Board, Town of Yorktown held on June 3, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman

Tardy: Terrence P. Murphy, Councilman

Absent: Nicholas J. Bianco, Councilman

Diana L. Quast, Deputy Town Clerk  
Jeannette Koster, Town Attorney

#### 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.

#### REPORTS FROM THE TOWN SUPERVISOR

Supervisor Grace stated that Community day will be held on June 7, 2014 at the Jack DeVito Veterans Memorial Field located behind the YCCC. He also announced that Relay for Life will be held on June 13, 2014 and will begin on Friday night.

#### REPORTS FROM TOWN BOARD MEMBERS

Councilman Patel spoke about Memorial Day and wanted to remember Army Specialist David Fahey and Special Ops Pilot Clayton Carpenter who lost their lives serving our Country. He stated that he attended the Yorktown High School's Veterans Day event and the new Think Lab that opened at IBM.

#### PRESENTATION

Supervisor Grace spoke about Ari Kanevsky, Alyson Winter, Abigail Kamen, who are students from the Ossining High School that received awards from INTEL, the International Science and Engineering Fair.

Mr. Ari Kanevsky, a junior at Ossining High School stated that he used technologies employed for speech recognition to automate the process of monitoring blood flow following vascular microsurgery. Ari was awarded first place in the Grand Awards Ceremony at Intel.

**Supervisor Michael Grace read the following Certificate of Excellence for Ari Kanevsky:**

Certificate of Excellence

*To*

Ari Kanevsky

*On behalf of the Town of Yorktown, the Town Board hereby officially recognizes your outstanding achievement in receiving the First Place Award at the Intel International Science & Engineering Fair and hereby extends our congratulations on a job well done.*

Congratulations, you have made your Town proud!

#### PRESENTATION

Supervisor Grace introduced Denise Kness who received the 40<sup>th</sup> Senate District's Yorktown Woman of Distinction award.

Ms. Denise Kness thanked the Town Board and Senator Greg Ball for the award.

**Supervisor Michael Grace read the following Proclamation for Denise Kness – Yorktown Woman of Distinction:**

*WHEREAS, a community draws its spirit, strength and values from the concern and commitment of all individuals and organizations who volunteer their service to its residents; a strength measured in community pride that has enabled Yorktown to grow and prosper;*

*WHEREAS, Denise Kness is being honored tonight as Yorktown’s Woman of Distinction. Denise donates her time to the community as a member of the Lakeland Board of Education, serves as the Lakeland Education Foundation President and Thomas Jefferson Elementary PTA President as well as Trustee of the Alliance for Safe Kids. Her outstanding contributions, volunteerism and many fundraising events are all done selflessly to benefit the Yorktown Community; and,*

*NOW, THEREFORE, BE IT RESOLVED, that, I, Michael J. Grace, along with the Town Board, offer our congratulations to Denise Kness on this special occasion for being chosen:*

*“Women of Distinction Hall of Fame”*

*and we ask all those present to join us in extending congratulations.*

**COURTESY OF THE FLOOR, During Courtesy of the Floor the following people addressed the Town Board:**

Mrs. Kathleen McCormick spoke about excessive noise on the weekends from lawn mowers and grass blowers particularly on Mother’s and Father’s Day.

Mr. Thomas McCormick stated that he feels that there is excessive noise on the weekends from grass cutting.

Supervisor Grace explained that the Town has a Noise Ordinance and grass cutting equipment is allowed during certain times of the day even on the weekends.

Mrs. Susan Siegel asked several questions regarding the Sultana Pool situation. She stated that there was a rumor that there was a transfer of ownership in the works. .

Supervisor Grace explained that there was some interest in the Sultana Pool being taken over but he was not sure if the offer was still on the table. .

Mr. Carl Tegmeyer asked about the fluoridation project.

Supervisor Grace stated that the Town is working on an agreement to move forward with the fluoridation project.

**COURTESY OF THE FLOOR – CLOSED**

**Councilman Murphy came into the meeting.**

**TOWN BOARD MEETING**

Supervisor Michael J. Grace called the meeting to order.

**APPROVE SUMMER OUTDOOR MEETINGS SCHEDULE  
RESOLUTION #248**

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

Resolved, that the Town Board approves the following Summer Outdoor Meetings schedule which will begin at 6:00 P.M.:

July 1, 2014 – Teatown Lake Reservation  
August 5, 2014 – Patriot Park

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE PUBLIC HEARING – PROPOSED LOCAL LAW AMENDING  
CHAPTER 300 CONCERNING KEEPING OF FOWL ON RESIDENTIAL LOTS  
RESOLUTION #249

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 1600 Spring Valley Road, Ossining, (Town of Yorktown) New York 10562 on Tuesday, July 1, 2014 at 6:00 o'clock PM, or as soon thereafter as the same can be heard to amend Chapter 300 of the Zoning Code of the Town of Yorktown concerning the keeping of fowl on residential lots of at least 40,000 Sq. ft.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE STANDARDIZATION IN PURCHASE OF SPARE DRY PIT  
SUBMERSIBLE PUMPS – HUNTERBROOK PUMP STATION  
RESOLUTION #250

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

WHEREAS, the Town presently owns and operates the Hunterbrook Pump Station which has four (4) Yeoman's dry-pit submersible pumps, Model Series 9235 with submersible motor model #4123 (two (2) sets of two (2) in-series pump systems), which have parts that are used interchangeably between said systems; and

WHEREAS, the Town would like to purchase spare pumps for the Hunterbrook Pump Station; and

WHEREAS, to purchase a different make and model of pumps having similar pumping capacity and design criteria, would be inefficient and uneconomical, since alternate pumps require modifications to the existing piping, pump control panels and pump drive equipment, and

WHEREAS, the Town is satisfied with the past performance of Yeoman's dry-pit submersible pumps, Model Series 9235 with submersible motor model #4123;

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown in regular session duly convened, as follows:

For reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of section 103 of the General Municipal Law, it is determined by the Town Board that there is a need for standardization in the purchase of spare dry pit submersible pumps for use by the Town at its Hunterbrook Pump Station, and the Town's officials are authorized to seek competitive bids and to contract for the purchase of Yeoman Pumps Model Series 9235 with submersible motor model #4123.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE BID FOR TWO SPARE PUMPS – HUNTERBROOK PUMP STATION  
BID #14-3  
RESOLUTION #251

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

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 10:00 A.M., on Wednesday, June 25, 2014, for the Purchase of One or Two Spare Pumps for the Hunterbrook Pump Station,

Bid #14-3.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BID – SPRINKLER INSPECTION AND TESTING FOR VARIOUS TOWN BUILDINGS BID #14-1  
RESOLUTION #252

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

Bids were received for the Sprinkler Inspection & Testing for Various Town Buildings, Bid #14-1, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Simplex Grinnell	\$1,680.00

RESOLVED, that the bid for the Sprinkler Inspection & Testing for Various Town Buildings, Bid #14-1, be awarded to Simplex Grinnell, the sole bidder, at a total cost of \$1,680.00.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE RELEASE BOND – CHECK #3825 – 3798 CRANBERRY LANE – BSWPPP-042-13  
RESOLUTION #253

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

WHEREAS, Mayuri & Rajesh Patel posted Check No.3825 in the amount of \$300.00 which was deposited into the T33 Account on June 28, 2013, covering Stormwater Permit #042-13 for work performed at her Cranberry Lane 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 \$300.00 may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to Mayuri & Rajesh Patel, 3798 Cranberry Lane, Shrub Oak, NY 10588.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE RELEASE OF EROSION AND SEDIMENT CONTROL BOND – CORAL SEA POOLS – BSWPPP – 091A-12  
RESOLUTION #254

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

WHEREAS, Coral Sea Pools as applicant for Longo, posted \$300.00 cash, which was deposited into the T33 Account on January 4, 2013 covering permit #091A-12, for work performed at the Heather Court location, 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 \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Coral Sea Pools, 518-A North State Road, Briarcliff Manor, NY 10510.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE RELEASE OF WETLANDS PERMIT #0005-08 – CHECK #1027 -  
BUCKHORN STREET  
RESOLUTION #255

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

WHEREAS, Joe Spirelli as applicant, posted check #1027 in the amount of \$300.00 which was deposited into the T33 Account on February 29, 2008, covering Wetland Permit #005-08 for work performed at his Buckhorn 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 \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00, be and is hereby released to Mr. Joe Spirelli, 3530 Buckhorn Street, Shrub Oak, NY 10588.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE TOWN SUPERVISOR TO SIGN AN AGREEMENT WITH WS  
SELLS FOR ADDITIONAL DESIGN ENGINEERING SERVICES – LEXINGTON  
AVENUE CULVERT REPAIR  
RESOLUTION #256

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

WHEREAS, the funding for work on the Lexington Avenue Culvert Lining Project will come from A1440.0479, Special Project now therefore be it

RESOLVED, that the above Town Board authorizes the Town Supervisor to sign an agreement with WS Sells for additional design engineering services, including permitting, for the Lexington Avenue Culvert Repair, in the amount of \$19,800

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE TOWN SUPERVISOR TO SIGN AN AGREEMENT WITH  
WESTCHESTER COUNTY FOR 111-C1  
RESOLUTION #257

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement for 111-C1, in the amount of \$20,448, local match of \$7,563, and 111-C2, in the amount of \$29,472, local match of \$10,900 for the program year 2014.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE BUDGET TRANSFER – TAX DEPARTMENT  
RESOLUTION #258

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

Be it Resolved, that the Town Board authorizes the following 2014 Budget transfer for the Tax Department as follows:

From: A.1330.131	Stipend	\$15,000
To: A.1330.110	PT Salary	\$15,000

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE THE RECEIVER OF TAXES TO REMOVE ALL LIENS FOR TAX  
MAP IDENTIFICATION NUMBERS 69.19-1-12.11, 6.18-1-26, 36.05-1-8 AND  
36.05-1-9 – IN REM PROPERTIES  
RESOLUTION #259

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

WHEREAS, the Town accepted the dedication and took title to a parcel having tax map identification number 69.19-1-12.11, located at CLOVER LN & FAIRHILL DR; and

WHEREAS, the Town acquired by in rem tax foreclosure a parcel having tax map identification number 6.18-1-26, located at 3850 MAHOPAC ST.; and

WHEREAS, the two parcels listed below are owned by the State of New York;  
36.05-1-8 3461 CROMPOND RD.  
36.05-1-9 3471 CROMPOND RD.

and

WHEREAS, liens for one or more years accrued on each of the above-mentioned parcels before said the parcels were conveyed to the Town or the State; and

WHEREAS, the Town of Yorktown wishes to cancel the taxes and remove all liens on record for each above-listed parcel from the Receiver's records, on the grounds that they are uncollectible;

NOW THEREFORE BE IT RESOLVED, the Town Board directs the Receiver of Taxes to remove from her records all liens for all years, and cancel unpaid taxes, for the parcels mentioned above.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE BUDGET TRANSFER – TOWN ATTORNEY'S OFFICE  
RESOLUTION #260

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

Approve the Town Attorney's request for a budget transfer of \$20,000 into  
Litigation  
Outside Counsel Fees

From Line A1420.0424.001	To Line A1420.0439
(Non-Retainer Tax Certs)	(Litigation Outside Counsel Fees \$20,000)

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN TWO-YEAR CONTRACT WITH MAJOR ABSTRACT FOR TITLE SEARCHES  
RESOLUTION #261

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

BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign a two-year contract with Major Abstract for last owner and lien title searches on parcels with delinquent tax liens, on an as needed basis as required by the Town Attorney, up to \$22,000.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH YORKTOWN STAGE TO LEASE ROOM 14 AT THE YCCC  
RESOLUTION #262

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

WHEREAS, Yorktown Stage, Inc., a New York not-for-profit corporation (“Tenant”), wishes to lease Room 12 in the Yorktown Community & Cultural Center for the period June 8, 2014 to August 31, 2014, and the Town of Yorktown wishes to lease such space to Tenant for a total rent of \$4,358.36 to be paid in advance, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution, and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant; and in the meantime, the Stage shall be permitted to use the premises under a revocable license.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

CORDING ROAD

The Town Board agreed to table this resolution until the next Town Board meeting.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH POLICE REPORTS USA – YORKTOWN POLICE DEPARTMENT  
RESOLUTION #263

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Police Reports USA for agreement covering Yorktown Police

Department's online access to Yorktown Police Accident Reports for three years commencing June, 2014, and shall provide that the charge per report shall be \$7.00, of which \$5.00 per report shall be paid by the public to PoliceReports.US and the other \$2.00 retained by the Town.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

WATER DEPARTMENT BUDGET TRANSFER

The Town Board agreed to table this resolution until the next Town Board meeting.

AUTHORIZE SUPERVISOR TO SIGN A PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES WITH WESTON AND SAMPSON, PE – WATER DEPARTMENT

RESOLUTION #264

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

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a Proposal for professional engineering services agreement with Weston & Sampson PE, LS, LA, PC, 301 Manchester Road, Suite 201A, Poughkeepsie, NY 12603, as recommended by Water Distribution Superintendent David Rambo, to perform engineering services pertaining to a cleaning and cement relining project at three locations, pursuant to a Cost Proposal dated March 20, 2014, for a total cost of \$66,900, to be paid out of the SW.8340.0483.0001 fund.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

RESOLUTIONS FROM THE MEETING OF 5/20/2014

RESOLUTION #265

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

Resolved, that the Town Board Meeting Resolutions for May 20, 2014 are approved by the Town Board.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE HOME RULE RESOLUTION FOR ALIENATION OF PARKLAND GRANITE KNOLLS PARK - ALGONQUIN GAS TRANSMISSION – ASSEMBLY BILL #A.9673A

RESOLUTION #266

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

WHEREAS, Algonquin Gas Transmission Company, now known as Algonquin Gas Transmission, LLC, ("AGT"), is seeking approval from the Federal Energy Regulatory Commission ("FERC") under the Federal Natural Gas Act to replace an existing 26-inch diameter natural gas pipeline with a new 42-inch diameter natural gas pipeline along portions of its existing pipeline right-of-way from Rockland County, New York to southern New England (the "Algonquin Incremental Market Project" or "Project"); and

WHEREAS, the existing 26-inch diameter natural gas pipeline is located in a Town-owned park known as Sylvan Glen Park Preserve and Granite Knolls (referred to hereinafter as "Granite Knolls Park West") (Sylvan Glen and Granite Knolls Park West referred to collectively as the "Park"); and

WHEREAS, the portions of the Park that would be impacted by the Project include areas having tax map identification numbers 25.20-1-8 ("Parcel A"), 25.16-1-25 ("Parcel B"), 26.13-1-1 ("Parcel C"); 26.13-1-1.1 ("Parcel D") in Sylvan Glen Park Preserve, and 26.09-1-22 (Parcel "E") in Granite Knolls Park West; and



WHEREAS, the Town Board of the Town of Yorktown approved Resolution No. 204/2014 on May 6, 2014, as a preliminary step with respect to the Project, requesting the New York State Legislature to enact legislation granting permission to the Town to alienate portions of the Park for the Project; and

WHEREAS, the State Legislature introduced such legislation in the Assembly as A. 9673A; and

WHEREAS, the Project will require AGT to construct certain new permanent above-grade facilities on up to one acre of the Park on and adjacent to the existing easement area in Parcel E; temporarily utilize 15.4 acres of Parcel E for a contractor ware yard; and require approximately a total of eight acres of temporary work space adjacent to the existing easement upon Parcels A, B, C, D, and E to facilitate construction work along the existing pipeline right-of-way (the temporary contractor ware yard and temporary work space collectively referred to hereinafter as the “Staging Areas”); and

WHEREAS, AGT seeks a permanent easement on Parcel E for the above-grade facility and a temporary license and construction permit on Parcels A, B, C, D, and E for the Staging Areas; and

WHEREAS, the above-described alienations would be subject to the requirement that AGT implement specific mitigation measures including (1) constructing a new access road to the Park from Stoney Street and a new gravel parking lot with approximately 114 spaces; (2) creating the basic framework for a new ball field in the Park; (3) reconditioning and restoring the practice fields; and (4) providing funding for use of the Staging Areas; and

WHEREAS, the Town has concluded that the mitigation measures will result in long-term improvements to the Park and amenities for residents of the Town; and

WHEREAS, the proceeding before FERC requires FERC to conduct a thorough assessment of environmental impacts under the National Environmental Policy Act (“NEPA”); and

WHEREAS, the Town and AGT would not enter into the final easement agreement and temporary license and construction permit until FERC completes its environmental review under NEPA and the Town Board acts by separate resolution to approve the alienation;

NOW, THEREFORE, be it Resolved that the Town Board of the Town of Yorktown hereby issues this Home Rule request in support and passage of Assembly Bill No. A. 9673A; and be it

Further Resolved, that the Town Board requests the Town Clerk to forward a copy of this Home Rule Request to the State Assembly requesting passage of the above-cited bill.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE HOME RULE RESOLUTION FOR ALIENATION OF PARKLAND  
GRANITE KNOLLS PARK – EFFECTVE JUNE 5, 2014  
ALGONQUIN GAS TRANSMISSION – SENATE BILL #S.7484A  
RESOLUTION #267

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

WHEREAS, Algonquin Gas Transmission Company, now known as Algonquin Gas Transmission, LLC, (“AGT”), is seeking approval from the Federal Energy Regulatory Commission (“FERC”) under the Federal Natural Gas Act to replace an existing 26-inch diameter natural gas pipeline with a new 42-inch diameter natural gas

pipeline along portions of its existing pipeline right-of-way from Rockland County, New York to southern New England (the “Algonquin Incremental Market Project” or “Project”); and

WHEREAS, the existing 26-inch diameter natural gas pipeline is located in a Town-owned park known as Sylvan Glen Park Preserve and Granite Knolls (referred to hereinafter as “Granite Knolls Park West”) (Sylvan Glen and Granite Knolls Park West referred to collectively as the “Park”); and

WHEREAS, the portions of the Park that would be impacted by the Project include areas having tax map identification numbers 25.20-1-8 (“Parcel A”), 25.16-1-25 (“Parcel B”), 26.13-1-1 (“Parcel C”); 26.13-1-1.1 (“Parcel D”) in Sylvan Glen Park Preserve, and 26.09-1-22 (Parcel “E”) in Granite Knolls Park West; and

WHEREAS, the Town Board of the Town of Yorktown approved Resolution No. 204/2014 on May 6, 2014, as a preliminary step with respect to the Project, requesting the New York State Legislature to enact legislation granting permission to the Town to alienate portions of the Park for the Project; and

WHEREAS, the Project will require AGT to construct certain new permanent above-grade facilities on up to one acre of the Park on and adjacent to the existing easement area in Parcel E; temporarily utilize 15.4 acres of Parcel E for a contractor ware yard; and require approximately a total of eight acres of temporary work space adjacent to the existing easement upon Parcels A, B, C, D, and E to facilitate construction work along the existing pipeline right-of-way (the temporary contractor ware yard and temporary work space collectively referred to hereinafter as the “Staging Areas”); and

WHEREAS, AGT seeks a permanent easement on Parcel E for the above-grade facility and a temporary license and construction permit on Parcels A, B, C, D, and E for the Staging Areas; and

WHEREAS, the above-described alienations would be subject to the requirement that AGT implement specific mitigation measures including (1) constructing a new access road to the Park from Stoney Street and a new gravel parking lot with approximately 114 spaces; (2) creating the basic framework for a new ball field in the Park; (3) reconditioning and restoring the practice fields; and (4) providing funding for use of the Staging Areas; and

WHEREAS, the Town has concluded that the mitigation measures will result in long-term improvements to the Park and amenities for residents of the Town; and

WHEREAS, the proceeding before FERC requires FERC to conduct a thorough assessment of environmental impacts under the National Environmental Policy Act (“NEPA”); and

WHEREAS, the Town and AGT would not enter into the final easement agreement and temporary license and construction permit until FERC completes its environmental review under NEPA and the Town Board acts by separate resolution to approve the alienation;

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, 2014 in support and passage of Senate Bill No. S. 7484A; and be it

Further Resolved, that the Town Board requests the Town Clerk to forward a copy of this Home Rule Request to the State Senate requesting passage of the above-cited bill.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved into Executive Session for Advice of Counsel.

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

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Patel,  
The Town Board meeting was adjourned.

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown