

Meeting of the Town Board, Town of Yorktown held on August 12, 2014 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

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
Patricia Caporale, Town Comptroller
John Tegeder, Planning Director
Bruce Barber, Wetlands Consultant
David Rambo, Water Distribution Superintendent

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session for negotiations and to discuss the employment of a particular person.

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

The Town Board accepted the retirement of Lorraine DeSisto in the Town's Planning Department.

LORRAINE DESISTO
RETIREMENT PAYOUT
RESOLUTION # 343

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Lorraine DeSisto the cash value of unused time and pro-rated longevity as of her retirement date:

Rate of Pay: \$37.0980 hourly

| | | | | | |
|------|-----------------|-----------|---|--------------|-------------|
| Sick | 1169.75 hours @ | 50% | = | 584.88 hours | |
| | 584.88 hours x | \$37.0980 | = | | \$21,697.88 |

Longevity

\$1,400 / 261 days = \$5.36 per day

04/19/14 to 08/08/14 = 80 days

| | | | | | |
|---------|---|---------|---|----|--------|
| 80 days | x | \$ 5.36 | = | \$ | 428.80 |
|---------|---|---------|---|----|--------|

| | |
|-------|-------------|
| Total | \$22,126.68 |
|-------|-------------|

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A.909.8 General Fund Reserve for Employee Accrued Benefits

To:

A.8020.108 Planning Lump Sum Payments

Amount:

\$22,126.68

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

SALARY INCREASE POLICY

RESOLUTION #344

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

BE IT RESOLVED that salary increases for all Town Department heads and elected officials will follow CSEA agreements.

Grace, Bianco, Murphy, Voting Aye
Patel Voting Nay

Resolution adopted

APPROVE SALAY INCREASES

RESOLUTION #345

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

BE IT RESOLVED that salary increases equal to that of the CSEA agreement shall be paid to all Town Department Heads and Elected Officials for the years 2012, 2013, 2014 and 2015.

Grace, Bianco, Patel Voting Aye
Murphy Voting Nay

Resolution adopted

APPROVE STIPEND FOR

SANDRA SERRANO

RESOLUTION #346

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

Resolved that the Town Board of the Town of Yorktown authorizes Sandra Serrano to be paid a stipend of \$366.30 per pay period for the performance of Deputy Comptroller duties.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

AUCTION OF TOWN OWNED PROPERTIES

Town Clerk Alice Roker provided the Town Board with an update on this project. Before setting a date, the Town Attorney has to conclude an eviction proceeding against an individual residing in one of the foreclosed homes. We are awaiting word from the Court as it relates to another property. Mr. Robert Killeen has asked for a different pay schedule due to the number of properties including several homes that will be auctioned. He is also working on a protocol that should be used when properties are taken in-rem. We are also requesting that one property be reclassified. It was taken in-rem, but the property according to a Planning Board action was to be used as a storm water basin for the area.

AMEND RESOLUTION #195 OF 2014

BOB KILLEEN PAYMENT

RESOLUTION #347

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

WHEREAS, the Town Board adopted resolution #195 on April 22, 2014 authorizing the payment of \$2,000 to Robert Killeen to prepare the documents and auction certain town owned properties.

WHEREAS, additional properties have been added to the auction; be it

RESOLVED, resolution #195 is hereby amended to read as follows: Robert Killeen will be paid at the rate of \$300 per hour up to an amount not to exceed \$5,000 to prepare the documents and auction certain town owned properties as well as developing a protocol for the handling of in-rem properties in the future.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

DEDICATE PROPERTY TO BE USED
FOR MUNICIPAL PURPOSES (STORMWATER DRAINAGE
RESOLUTION # 348

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

WHEREAS, the Town of Yorktown has come into the ownership of a parcel of property through in rem foreclosure; and

WHEREAS, the Town Board has determined that this property is only appropriate for municipal use for stormwater drainage; and

WHEREAS, the Town Board finds that dedication of this parcel is in the public interest and is consistent with applicable environmental laws, be it

RESOLVED, the Town of Yorktown does hereby formally declare and dedicate the following parcel for municipal purposes (stormwater drainage), and directs the Tax Receiver and Assessor to record such change in their records as appropriate:

| S/B/L | Location |
|-----------|-----------------|
| 6.18-1-33 | 2998 NAVAJO RD. |

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN
AN AGREEMENT WITH DAVID TETRO
RESOLUTION #349

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

WHEREAS the existing roof on the brick building (old pump house) located at the Water Department has reached a point where a replacement is necessary due to its old age and falling shingles; and

WHEREAS, a proposal for asbestos abatement and roof replacement specifications was obtained from David A. Tetro – Architect, P.C.; and

WHEREAS, the Water Distribution Superintendent, David Rambo, has reviewed this proposal and is recommending hiring David A. Tetro – Architect, P.C. for a design services fee of \$3,250.00.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign an agreement with David A. Tetro – Architect, P.C. of 302 Lewis Avenue, Yorktown Heights, NY to provide asbestos abatement and roof replacement specifications in the amount of \$3,250.00.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

AWARD BID FOR POLICE CAR
RESOLUTION #350

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

WHEREAS, Chief Daniel McMahon has designated the following item as obsolete or out-of-service equipment;

| Item # | Year/Make/Model | VIN (last 4 digits) | Title | Department |
|--------|-----------------|---------------------|-------|------------|
| 1 | 1991 GMC UTIL | 3792 | YES | POLICE |

THEREFORE BE IT RESOLVED, that the Town Board designates the aforementioned item as surplus equipment and authorizes such equipment to be placed on public online auction with Auctions International, Inc., the Town's contracted auctioneer; and

BE IT FURTHER RESOLVED, the aforementioned item be sold to the highest bidder upon Chief Daniel McMahon's approval.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

NY CATSKILL AQUEDUCT BUILDING – LAND USE PERMIT

Yorktown Water Distribution Superintendent David Rambo stated that the Town used to use a building on New York City property when it received its water from the Catskills. Today, the Town of Yorktown receives its water via two filtration systems. In order for his department to remove the equipment in this building which will eventually be torn down, the Town of Yorktown must apply for a Land Use Permit.

AUTHORIZE THE SUPERVISOR TO SIGN AN APPLICATION FOR A NYC DEP LAND USE PERMIT RESOLUTION #351

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

WHEREAS, the Catskill Aqueduct building located on Old Crompond Road was originally used to supply drinking water to the Town of Yorktown residents; and

WHEREAS, in 1987 the building was shut down due to its inability to meet drinking water standards; and

WHEREAS, the NYC DEP requested that this site be returned back to its original condition of wooded property since it is no longer in use; and

WHEREAS, the NYC DEP requires the Town to complete and sign a Land Use Permit application which outlines our intentions with this site; and

THEREFORE BE IT RESOLVED, Distribution Water Superintendent is requesting Town Board authorization for the Supervisor to sign the NYC DEP land use permit application.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

ENTER INTO A LEASE WITH MANETOO DANCE ENSEMBLE, INC RESOLUTION #352

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

WHEREAS, Manetoo Dance Ensemble Inc., a New York for profit corporation ("Tenant"), wishes to lease Room 227 in the Yorktown Community & Cultural Center for the period September 1, 2014 to December 31, 2014, and the Town of Yorktown wishes to lease such space to Tenant for a monthly rental rate of \$843.52 to be paid on the first of each month, 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.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS FOR RENOVATION,
MANAGEMENT, OPERATION AND MAINTENANCE OF VALLEY FIELD GOLF
COURSE (FORMERLY KNOWN AS SHALLOW CREEK)
RESOLUTION #353

After looking over the documents, the Town Board had a discussion on the proposed agreements.

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

Resolved, that the Town Board authorizes the Supervisor to enter into License Agreements for the renovation, management, operation and maintenance of the Valley Fields Golf Course and Restaurant Concession.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

PROPOSED LOCAL LAW, RETAIL CHECK- OUT BAGS

Mr. Scott Rein explained that communities such as Larchmont and Mamaroneck have instituted laws banning retail plastic bags. He asked the Board to consider enacting a similar law.

Discussion by the Board including Councilman Patel stating that the Town of Yorktown has a good track record on recycling. He further stated that we can and will encourage our residents to recycle. Councilman Bianco stated that several supermarkets have areas where residents are encouraged to recycle plastic bags. Supervisor Grace stated that he will not consider this type of proposal, he will not tell companies how to run their businesses.

The discussion ended with the proposal being rejected by the majority of the Board.

2579 BARRY COURT

Mr. & Mrs. Abbate along with their Engineer, Tracy Chalifoux provided the Board with an outline of the project stating that this was for the installation of a 16' by 32' in-ground swimming pool and patio.

The Town Board asked if there was any flooding in the area.

Mr. Abbate stated that they have not lived in the house very long, but they haven't seen any flooding in the area.

Mr. Bruce Barber, the Town Wetlands Consultant explained that he has seen this application. This application calls for work to be done within five feet of the buffer area.

Supervisor Grace stated that this type of activity should get an administrative approval from the Town Engineer rather than coming before the Town Board. In addition to refer this

application for a permit, he would like a proposed local law permitting this type of application to be approved administratively.

REFER AND ADVERTISE REQUEST FOR WETLANDS PERMIT

ABBATE – BARRY CT.

RESOLUTION #354

Upon motion made by Councilman Bianco seconded by Councilman Murphy,

RESOLVED, that the Town Clerk is hereby authorized to refer the application filed by Tracy Chalifoux, RLA on behalf of Victoria Abbate for a wetlands permit for the installation of a 16 foot by 32 foot in-ground pool and pool patio, steps, retaining walls, pool equipment, pad, related grading, pool enclosure fencing and native wetland plantings at 2579 Barry Court, Yorktown Heights, NY to the following departments:

The Conservation Board
The Engineering Department
Bruce Barber, Wetlands Consultant
Jeannette Koster, Town Attorney

Please respond by sending or emailing your comments at alice@yorktownny.org on or before September 9, 2014. If we do not receive any comments from you, we will take that as an approval.

BE IT FURTHER RESOLVED, that pursuant to SEQRA, this is an type 2; and

BE IT FURTHER RESOLVED, that Notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 16th day of September, 2014 at 7:30 o'clock PM to consider the application filed by Tracy Chalifoux, RLA on behalf of Victoria Abbate for a wetlands permit for the installation of a 16 foot X32 foot in-ground pool and pool patio, steps, retaining walls, pool equipment, pad, related grading, pool enclosure fencing and native wetland plantings at 2579 Barry Court, Yorktown Heights, NY.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

REFER AND ADVERTISE

PROPOSED LOCAL LAW AMENDING THE CODE

OF THE TOWN OF YORKTOWN – CHAPTER 178

RESOLUTION #355

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

RESOLVED, that the Town Clerk is hereby authorized to refer a Proposed Local Law amending Chapter 178 – Freshwater Wetlands to the following agencies

The Conservation Board
The Engineering Department
Bruce Barber, Wetlands Consultant
Jeannette Koster, Town Attorney

Please respond by sending or emailing your comments at alice@yorktownny.org on or before September 9, 2014. If we do not receive any comments from you, we will take that as an approval.

BE IT FURTHER RESOLVED, that Notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 16th day of September, 2014 at 7:30 o'clock PM to consider the Proposed Local Law.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

ILLINGTON ROAD

Supervisor Grace read the comments received relating to Mrs. Saunders request to purchase town-owned property. The Conservation Board opposes the alienation of park land. The Yorktown Land Trust, in its response talks about discussions with the Committee on Open Space where the possibility of an exchange was discussed. The Saunders family would purchase a parcel of open space of roughly comparable size. The property would then be donated to the Town of Yorktown and dedicated as parkland.

Mr. Paul Moskowitz, the co-chairman of the Committee on Open Space stated that his committee spoke about two options; Supervisor Grace just spoke about one and the second option was not alienating parkland.

Supervisor Grace stated that he would like to continue this conversation with the Land Trust.

Councilman Bianco stated that he is opposed to the alienation of parkland.

GREENWOOD STREET HILL

Highway Superintendent David Paganelli explained that R & S has done a lot of the work that they agreed to. Unfortunately, there have been some equipment failures, but for the most part, the company is doing an excellent job. They have not processed any commercial work for six weeks. Superintendent Paganelli would like the agreement extended. He will have the Request for Proposal for this work done within the next two weeks.

APPROVE EXTENSION OF THE
EXISTING AGREEMENT WITH
R&S WASTE SERVICES, LLC
RESOLUTION #356

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

RESOLVED, the agreement between the Town of Yorktown and R&S Waste Services LLC, One Radisson Plaza, 8th floor, New Rochelle, New York 10801 (“R&S”), for the removal of the Town’s existing inventory of woody organic yard waste from the Hill, and the removal of such additional deposits of woody organic yard wastes as the Town’s departments and residents may bring to the Hill, which service shall be provided at no cost to the Town for an additional 90 days, from July 2014 through October, 2014, in exchange for permission granted by the Town to R&S to enter and use a portion of the Hill to process the commercial organic yard waste of its own customers during the same period.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

SENIOR LIVING CENTER – EAST MAIN STREET

Mr. Tim Cassidy, the applicant along with his Engineers including Tim Miller and Dan Ciarcia were part of the discussion.

The Board and the applicant continue to explore options concerning entering and exiting the applicant’s site which is on Route 6 and Strawberry Road. The issue of a by-pass and/or the applicant purchasing additional property were discussed.

The applicant asked the Town Board if there was any interest in this project which in addition to offering senior care for less than what is being charged at the Field Home Complex, they would also offer courses taught by instructors from Mercy College.

A majority of the Board indicated that they would be interested in this proposal, but the applicant should continue looking at different options on entering and exiting the development.

AUTHORIZE THE SUPERVISOR TO
SIGN A CONTRACT WITH JMF ARCHITECT
FOR WORK AT AMAZON PARK, PARK DISTRICT
RESOLUTION # 357

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

RESOLVED, that the Town Supervisor is authorized to sign a contract with JMF Architect, PLLC, for architecture design services to be performed in connection with foundation reconstruction of the clubhouse located in the Amazon Park, Park District, in the amount of \$2,200.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

APPROVE AMAZON PARK, PARK DISTRICT'S
REQUEST TO GO OUT TO BID TO REPAIR THE
FOUNDATION OF THE CLUBHOUSE
RESOLUTION # 358

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

Resolved, advertise to go out to bid for a contractor to reconstruct and repair the foundation of the clubhouse at Amazon Park, Park District.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

ADJOURN

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

The Town Board Meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown