

Meeting of the Town Board, Town of Yorktown held on September 2, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

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

Also Present: Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
John Tegeder, Planning Director
John Winter, Building Inspector

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

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.

PROCLAMATION – HYDROCEPHALUS AWARENESS MONTH

WHEREAS, hydrocephalus is a condition that occurs when excess cerebrospinal fluid pools in the brain and may result in neurological deficits, chronic seizures and death; and

WHEREAS, the United States Congress passed a resolution in 2009 designating the month of September as National Hydrocephalus Awareness Month; and

WHEREAS, representatives from the national, regional, state and local Pediatric Hydrocephalus Foundation, along with leadership of various professional, community and medical based organizations are dedicated to increasing public awareness of Hydrocephalus, including the needs of families with children diagnosed with Hydrocephalus;

BE IT RESOLVED THAT I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the entire Town Board, hereby resolve that the month of September, 2014 be known as

"HYDROCEPHALUS AWARENESS" Month

in the Town of Yorktown.

Carli Clement suffers from hydrocephalus, she has created an organization to raise awareness about this disease.

Carli and her parents Andrea Panabianco and Kevin Clement thanked the Town Board for this recognition

PRESENTATION – LORRAINE DESISTO – ASSISTANT PLANNER

WHEREAS, Lorraine DeSisto joined the staff of the Town of Yorktown Planning Department on May 31, 1988 on a part time basis; and

WHEREAS, Lorraine became a full time employee on April 19, 1994 and continued in the Planning Department until her retirement in August 2014 after 26 years of service to the Town; and

WHEREAS, throughout her tenure in the Department, Lorraine has proven herself to be an invaluable resource, contributing to many of

the Town's successful projects and was instrumental in securing grant funding for many of those projects; and

WHEREAS, in addition to her contributions as part of the Planning Department, she served in various capacities on many Town committees and boards including but not limited to the Arbor Day Committee, Energy Advisory Committee and the Advisory Committee on Open Space; and

WHEREAS, Lorraine also participated in many community efforts outside of her normal duties for the Town of Yorktown including the Reform Temple of Putnam Valley, the Putnam Valley Community Food Pantry, Yorktown Rotary and Advance Life Support (ALS), serving as president of the Rotary, vice president of the Reform Temple and as a founding member of the Putnam Valley Community Food Pantry; and

WHEREAS, Lorraine has served the citizens of the Town of Yorktown and her community with unparalleled dedication, professionalism, kindness and compassion, and has inspired others to give of themselves as well, and;

WHEREAS, Yorktown already a truly exceptional community, its rich character being defined by the many people who tirelessly give of themselves to enrich all of us has been improved by Lorraine's contributions; and

BE IT THEREFORE RESOLVED THAT I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the entire Town Board hereby express our heartfelt gratitude and deepest appreciation to Lorraine DeSisto, and in recognition of her service to the Town of Yorktown, its community and its people, I hereby resolve that tomorrow, September 3, 2014 be known as

“LORRAINE DESISTO’ Day

in the Town of Yorktown, in her honor, and I urge all residents to join their fellow residents in marking this observance.

Members of Mrs. Desisto's Temple, the Yorktown Rotary, members of Advisory Boards and Civic organizations and John Tegeder, the Planning Director wished her well in her retirement.

DURING REPORTS FROM THE TOWN SUPERVISOR, he spoke about the upcoming Grange Fair and the Hydrocephalus Fair scheduled to take place at the Yorktown Community and Cultural Fair on September 20, 2011.

Mr. Thomas Ianniccai, a representative of the Justin Veatch Foundation spoke about an upcoming fund raiser with Special Guest Star Livingston Taylor.

DURING REPORTS FROM TOWN BOARD MEMBERS

Councilman Murphy stated that the Town of Yorktown will hold a commemorative service on September 11th at the Memorial in Shrub Oak. The Memorial is dedicated to the victims of the September 11^{th, 2001} mass murder.

Councilman Patel stated that he disagreed with the Town Clerk's recording of the vote on raises for elected officials.

Town Clerk Roker told the Councilman that she stands by what she wrote down.

Upon Motion by Councilman Patel

Resolved that Resolution 344 of 2014 is hereby amended deleting the words “elected officials.”

There was no second on the motion.

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

Mr. Edward Donovan, a resident of 14 years stated that he disagreed with a Town Board who gave department heads bonuses several years ago, and he disagreed with the resolution passed by the current Town Board approving raises for elected officials.

Mrs. Mara Ziedens complained about traffic on Hallocks Mill Road as well as the condition of the bus stop at the intersection of Hallocks Mill Road and Route 202.

Mr. Jonathan Hyman, representing the Koppel Family stated that the Town was in violation of the licensing agreement it signed with Phoenix House and NYS SEQRA laws with regard to the roadway and the driveway at the Granite Knolls West field. He handed the Town Board a copy of a report documenting his findings.

Mr. Ed Ciffone, representing the United Taxpayers of Yorktown spoke on several topics including the monies the Town received for selling the Bernstein House. He believes that should have gone in the Museum's budget and, the barn that the Town said would come down at Granite Knolls is still standing.

Mr. Nicholas Witkovich asked the Town Board what action they were prepared to take action with regard to what he calls an "unethical and unregulated" Zoning Board of Appeals.

Mrs. Barbara Wilkins, a 73 year resident of Yorktown stated she was concerned with decisions being made at work sessions. She suggested that funds should be allocated to televise work sessions.

Mr. Howard Frank also spoke on the subject of televised work sessions. He reminded the Board that former Supervisor Susan Siegel offered to pay to have the sessions televised.

Mr. John Settembrino, a 33 year resident of the Town suggested that the Town employ a Town Administrator.

Mr. Anthony Grasso stated that he was on a Committee that voted against having a Town Administrator. He also spoke in opposition to televising work sessions.'

Mrs. Susan Siegel stated that she was in favor of televising work sessions. If the Board does not want to televise work sessions, the least you can do is turn the microphones on because even when she sits in the front of the room during work sessions, she can barely hear what is being said at the table.

COURTESY OF THE FLOOR – CLOSED

PUBLIC HEARING

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM – PROPOSED 5 YEAR PLAN FOR FISCAL YEAR 2015-2019

Supervisor Grace convened a public hearing to allow comment on the Housing Choice Voucher Program's 5 –Year Plan. The 5-Year Plan states the program's mission for serving the needs of very low-income, and extremely low-income families in the PHA's jurisdiction, and lists the goals and objectives which will be used to measure the agency's success in fulfilling the mission.

The Town of Yorktown is committed to equal housing opportunity. The Yorktown Section 8 housing voucher program does not discriminate on the basis of race, color, national origin, religion, creed, disability, familial status, sex, marital status,

age, military status, sexual orientation, citizenship or alienage status, or against victims of domestic violence, sexual abuse or stalking.

Mrs. Karren Perez explained that in addition to publishing notices that copies of the plan were available in her office and at the Town Clerk's Office, it was also on our website.

Mrs. Mara Ziedens stated that the federal government has money and that the Town of Yorktown should not waive the rent for the office space to run this program.

Supervisor Grace stated that we are living in hard times and believes this program provides a valuable service to our residents.

Mr. Ken Belfer, Chairman of Yorktown's Community Housing Program thanked the Town Board and Karren Perez for their excellent leadership for the Section 8 Program.

Mr. Ed Ciffone stated that the Underhill Apartment used to have a Section 8 Program. When the new owners took over the apartment complex, many of the people who were in the Section 8 Program were forced to leave due to rent hikes.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed upon motion by Councilman Murphy and seconded by Supervisor Grace.

ADOPT SECTION 8 HOUSING CHOICE VOUCHER PROGRAM – 5 YEAR PLAN
FOR FISCAL YEAR 2015-2019
RESOLUTION #359

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

Resolved, that the following a duly noticed hearing that was held and closed on September 2, 2014 that the Town Board hereby adopts the 5-Year Section 8 Plan for Fiscal year 2015-2019 which is on file with the Town Clerk Office, the Yorktown Section 8 Office as well as posted on the Town of Yorktown's website www.yorktownny.org.

The Plan is subject to approval by the U.S. Department of Housing and Urban Renewal.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

PUBLIC HEARING
PROPOSED LOCAL LAW TO ADD NEW ARTICLE IV TO CHAPTER 65 –
FILLING VACANCY OF ELECTED OFFICIALS

Supervisor Grace convened a public hearing to add a new Article IV to Chapter 65 of the Town Code of the Town of Yorktown, entitled "OFFICERS AND EMPLOYEES," is hereby amended by the addition of the following new article IV, entitled "Filling Vacancy in Elected Office by Appointment or Special Election" to read as follows:

§ 65-9. Method of filling vacancy.

Within 30 days after the occurrence of a vacancy in an elective office subject to this article, the vacancy may be filled by Town Board appointment. If an appointment is not made within 30 days, the vacancy may be filled by either (a) special election called by the Town Board, to be held not less than 60 days and not more than 90 days from the date the Town Board decides to call for a special election, or (b) in the next general election, whichever will allow the vacancy to be filled in the shortest space of time reasonably possible.

§ 65-10. Offices affected.

The elective offices subject to this article are the Office of the Supervisor, the Town Council, the Town Clerk, and the Superintendent of Highways. The Town Clerk presented affidavits of posting and publication.

Mrs. Sheila Schraier, a resident of Colonel Green Road stated that the words “may” and “shall” leaves too much wiggle room. She would prefer to see the word “must” in the law.

Mr. Ed Ciffone stated that he agrees with what Mrs. Schraier said.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion by Councilman Murphy and seconded by Councilman Patel.

PUBLIC HEARING

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Mrs. Susan Siegel stated that she supported this version of the law.

Mr. Mark Michaels spoke in favor of the proposal.

Mr. Ed Donovan stated that he favors the version of the law which has the word “may.”

Mrs. Babbette Bollinger asked the Board if this law was on the books, would we have had a Special Election.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion by Councilman Murphy and seconded by Councilman Patel.

REFERRAL – PETITION FROM BJ’S WHOLESALE CLUB FOR ZONING MAP AMENDMENT

RESOLUTION #360

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

RESOLVED, that the Town Clerk is hereby authorized to refer the Petition from BJ’s Wholesale Club (located at Staples Plaza) for a zoning map amendment. To rezone from C-1 to C-3, the entire 7.3 acre Lot 75, and a 2.8 acre portion of Lot 76.

The purpose of the rezoning is to allow BJ's to add a gasoline filling station as an amenity to its members on the rezoned portion of Lot 76 to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by October 7, 2014.

WESTCHESTER COUNTY

Westchester County Dept. Planning
Westchester County Planning Board
Westchester County Department of Health

NEW YORK STATE

NYS DOT Region 8
NYS DEC, Region 3

NEW YORK CITY

NYC DEP

BORDERING MUNICIPALITIES

Town of Cortlandt
Town of Somers
City of Peekskill

OTHER INTERESTED PARTIES

Yorktown Land Trust
Bruce Barber
Environmental Consultant
New Yorktown Chamber of Commerce

TOWN OF YORKTOWN AGENCIES/BOARDS

ABACA

BUILDING INSPECTOR

CONSERVATION BOARD

FIRE INSPECTOR

HIGHWAY DEPARTMENT

OPEN SPACE

PLANNING DEPARTMENT

PLANNING BOARD

POLICE DEPARTMENT

TOWN ATTORNEY

TOWN BOARD

TOWN ENGINEER
WATER DEPARTMENT
WETLANDS INSPECTOR

Grace, Murphy, Patel Voting Aye
Resolution adopted.

APPOINTMENT SENIOR OFFICE ASSISTANT/OFFICE MANAGER
DIANE SCHIAVONE – BUILDING DEPARTMENT
RESOLUTION #361

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

BE IT RESOLVED, that Diane K Schiavone is hereby appointed permanent to the civil service title, Senior Office Assistant (Office Manager), job class code 0943-01, from Eligible List No. 73-493, effective September 3rd, 2014, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 10, Step 5, which is \$63,399.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT FURTHER 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 September 3rd, 2014.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

ADVERTISE BID – WELDING CONSUMABLES & PARTS BID – HIGHWAY
DEPARTMENT
RESOLUTION #362

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on September 22, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Welding Consumables & Parts Bid-Highway Dept. Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

AWARD BID – PAVEMENT MARKINGS – HIGHWAY DEPARTMENT
RESOLUTION #363

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

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 August 19, 2014, with only one bid received.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings be and is hereby awarded to Safety Marking, Inc. 460 Bostwick Ave, POB 38186, Bridgeport, CT 06605, the only bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2014 and terminate on July 31, 2015. The Town shall have the option to extend this contract at the same price for two (2) additional one-year terms for a total of three (3) years. The

extensions shall be for the period August 1, 2015 through July 31, 2016 and August 1, 2016 through July 31, 2017.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

ACCEPT BOND – SIERRA BELLA/TERRA FIRMA SUBDIVISION
RESOLUTION #364

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

WHEREAS, Steve Giordano Builders, Inc., as applicant and principal, provided the Town with Westchester Fire Insurance Company Bond #K08702512 in the amount of \$113,500.00, to serve as the Performance Bond for the Sierra Bella / Terra Firma Subdivision located on Hunterbrook Road, and

WHEREAS, Steve Giordano Builders, Inc., as applicant and principal, provided the Town with Westchester Fire Insurance Company Bond #K08702524 in the amount of \$17,500.00, to serve as the bonding requirements for the Engineering Department's and Planning Board's Erosion Control Bond, and

WHEREAS, Terra Firma NY LLC, as applicant and developer, provided the Town with Check #284 in the amount of \$9,880.00 to serve as the 8% Inspection Fee for, and

WHEREAS, Steve Giordano Builders, Inc., as applicant and developer, provided the Town with Westchester Fire Insurance Company Bond #K08702664 in the amount of \$5,000.00, to serve as the Wetland Bond for Wetland & Stormwater Permit #WP-FSWPPP-T-019-14 (fka: #034-09),

WHEREAS, Steve Giordano Builders, Inc., as applicant and developer, provided the Town with Check #287 in the amount of \$1,250.00, to serve as the Inspection Fees for Wetland and Stormwater Permit #WP-FSWPPP-T-019-14 (#034-09), NOW, THEREFORE BE IT

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

Grace, Murphy, Patel Voting Aye
Resolution adopted.

ACCEPT BOND – STAPLES PLAZA SITE PLAN
RESOLUTION #365

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

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #66705 in the amount of \$28,905.00, to serve as the bonding requirement for completion of landscaping and trash enclosure gates for the Staples Plaza Site Plan located on Route 202, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bond for the above referenced site plan.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

RELEASE BOND – IBM – KITCHAWAN ROAD
RESOLUTION #366

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

WHEREAS, I.B.M. as applicant, posted check #002937449 in the amount of \$300 which was deposited into the T33 Account in August of 2001, for work performed at Kitchawan Road 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 I.B.M., P.O. Box 218, Yorktown Heights, NY 10598, Attn: Mr. Don DeMouth.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

ACCEPT BIDS FOR SURPLUS EQUIPMENT – HIGHWAY DEPARTMENT
RESOLUTION #367

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

WHEREAS, on August 26, 2014, Auctions International, Inc., the Town's contracted auctioneer, conducted an online auction featuring vehicles and items of equipment identified by Highway Superintendent Dave Paganelli as surplus Town property; and

WHEREAS, Auctions International has obtained bids for the vehicles and items of equipment and Superintendent Paganelli has requested the Town Board to declare the auctioned items to be surplus and to accept the bids;

NOW THEREFORE BE IT RESOLVED, that the Town Board declares the vehicles and items of equipment listed below to be Town surplus, not needed by the Town for any municipal purpose, and accepts the bids as shown below for each item.

Item #1:	1992 International 2574 6 Wheel Dump	\$2125.00
Item #2:	1995 International 2571 6 Wheel Dump	\$2550.00
Item #3:	1993 International 2574 6 Wheel Dump	\$2225.00
Item #4	1995 International 2574 6 Wheel Dump	\$2275.00
Item #5	1989 International 1754 6 Wheel Dump	\$2125.00
Item #6	1996 International 4854 6 Wheel Dump	\$2800.00
Item #7	1995 International 2574 6 Wheel Dump	\$2225.00
Item #8	1994 International 4854 6 Wheel Dump	\$3150.00
Item #9	1989 International 2574 6 Wheel Dump	\$2025.00
Item #10	1992 International 2574 6 Wheel Dump	\$1825.00
Item #11	Year Trailer	\$ 52.50
Item #12	Miltiquip Compressor	\$1525.00
Item #13	1986 Mack RD600 Tri-Axle Dump	\$6500.00
Item #14	1994 Ford 35C Bus	\$ 360.00
Item #16	Light Posts	\$ 125.00
Item #17	Lamp Posts	\$ 380.00
Item #18	Lamp Posts	\$ 82.50
Item #19	Lamp Posts	\$ 155.00
Item #20	Light Posts	\$ 42.50
Item #21	Plow Blade	\$ 510.00
Item #22	Plow Blade	\$1450.00
Item #23	Plow Blade	\$1025.00
Item #24	Plow Blade	\$1200.00
Item #25	Plow Blade	\$1300.00
Item #26	Plow Blade	\$1500.00
Item #27	Plow Blade	\$1800.00
Item #28	Plow Blade	\$ 890.00
Item #29	Plow Blade	\$1275.00
Item #30	Plow Blade	\$ 790.00
Item #31	Plow Blade	\$1225.00
Item #32	Plow Blade	\$ 430.00

Grace, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WESTCHESTER COUNTY FOR TOWN TO PURCHASE PARATRANSIT VAN RESOLUTION #368

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

RESOLVED, the Supervisor is authorized to sign an intermunicipal agreement between Westchester County and the Town which provides for the Town's purchase of a paratransit van from the County for \$1.00

Grace, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE BUDGET TRANSFER – TOWN ATTORNEY RESOLUTION #369

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

BE IT RESOLVED, the following budget transfers in the Town Attorney's budget 2014 are hereby authorized:

\$10,000 from A1420.0424.001 (Non-Retainer Tax Certs) to A.1420.0439 (Litigation Outside Counsel Fees)

\$6,000 from A1420.0425.001 (Labor Non-Retainer) to A.1420.0439 (Litigation Outside Counsel Fees)

\$6,000 from A1420.0437.000 (Foreclosure/Sale Expenses) to A.1420.0439 (Litigation Outside Counsel Fees).

Grace, Murphy, Patel Voting Aye
Resolution adopted.

SUPPORT STATEWIDE CAMPAIGN FOR TEXTILE RECYCLING RESOLUTION #370

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

WHEREAS, the Town of Yorktown operates a successful recycling program for Yorktown residents with a goal to reduce, reuse and recycle components of the waste stream in order to benefit the environment; and

WHEREAS, the Town of Yorktown is supportive of expanding recycling efforts in New York State that capture and reuse waste items that would otherwise be disposed of as solid waste; and

WHEREAS, the United States Environmental Protection Agency estimates that only about 15% of unwanted textiles, including clothing, shoes, hats, linens, towels, and belts, are donated for reuse or recycling; the remaining 85% is simply trashed, estimated at 70 pounds per citizen per year; and

WHEREAS, the Town of Yorktown has recognized that the New York State Association for Reduction, Reuse and Recycling (NYSAR³), is teaming up with the Council for Textile Recycling (CTR), and the Association of Wiping Materials, Used Clothing and Fiber Industries, also known as Secondary Materials and Recycled Textiles (SMART), to launch a first-of-its-kind statewide textile recovery campaign in New York State aimed at recovering 1.4 billion pounds of textiles trashed annually in New York State, with a market value of \$200 million, by:

- o Increasing awareness for the need to increase textile recovery and recycling and reducing wasteful textile disposal practices,
- o Enhancing job development through the recovery of more materials, and

- o Promoting collaboration between key textile recovery stakeholders, including collectors, recyclers, retailers, and municipal recycling professionals; and

WHEREAS, the Town of Yorktown wishes to take a leadership role in recycling efforts to reduce solid waste and recycle those components of the waste stream in order to benefit the environment by promoting textile recovery efforts, and communicating the environmental, economic, and social benefits of increased textile recovery; now, therefore, be it

RESOLVED, that the Town of Yorktown does hereby express its strong support of a Statewide campaign to recover more textiles from the waste stream and to thereby reduce waste that would otherwise end up in the solid waste stream by promoting textile recovery efforts and communicating the environmental, economic, and social benefits of increased textile recovery. This Resolution shall take effect immediately.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE BUDGET TRANSFER – WATER DEPARTMENT
RESOLUTION #371

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

BE IT RESOLVED, that the following 2014 budget transfer is approved:

Transfer \$3,250.00 from the Water Department Maintenance Real Property Line (SW.8320.0416) to the Water Department Professional Services Line (SW.8310.0490) for professional services pertaining to asbestos abatement and roof replacement specifications.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE WAIVING OF FEES TO OBTAIN A BUILDING PERMIT AND
ZONING VARIANCE TO ERECT A SIGN - YORKTOWN AMBULANCE CORP.
RESOLUTION #372

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

BE IT RESOLVED, that the Town Board hereby waives all fees associated with the Yorktown Volunteer Ambulance Corps request to obtain a building permit and zoning variance for the erection of a sign.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE DUPLICATE TAX REFUNDS
RESOLUTION #373

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

RESOLVED, the Town Board approves duplicate tax payments for the following accounts:

- 1210500 - \$2,978.09
- 4314501 - \$ 771.11
- 3429000 - \$3,907.33
- 2773500 - \$4,241.27

Grace, Murphy, Patel Voting Aye
Resolution adopted.

ACCEPT MONTHLY REPORTS
Receiver of Taxes

Supervisor stated that he was willing to forego a similar resolution that he had proposed, in favor of making some changes to a resolution proposed by Councilman Bianco and Patel.

Mr. Jay Kopstein disagreed with portions of the proposal including where it talks about the federal government's powers of eminent domain.

Mr. Paul Moskowitz stated that he read both proposals and favors the proposal offered by the two councilmen.

Mrs. Babbette Bollinger also spoke in favor of the Councilmen's resolution stating that there may be serious health concerns associated with the expansion of the Algonquin Pipeline.

Ms. Susan Van Dolan, a representative of Stop the Algonquin Pipe Line Expansion spoke in favor of the Councilmen's resolution.

Mr. Mark Michaels stated that he did not understand why one part of a project stops at Stony Street and another begins in the area.

Mr. Jonathan Hyman asked Supervisor Grace where he believes the "pigging station" will be located.

TO ENSURE PUBLIC SAFETY AND HEALTH REGARDING SPECTRA ENERGY'S ALGONQUIN INCREMENTAL MARKET NATURAL GAS PIPELINE EXPANSION PROJECT RESOLUTION #374

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

WHEREAS, Algonquin Gas Transmission, LLC ("Algonquin"), a wholly-owned subsidiary of Spectra Energy Partners ("Spectra"), filed an Abbreviated Application for a Certificate of Public Convenience and Necessity and for Related Authorizations for the planned Algonquin Incremental Market Project ("AIM") with Federal Energy Regulatory Commission ("FERC" or the "Commission") on February 28, 2014, Docket # CP14-96-000, and has filed subsequent updates and additions (the "Submission"); and

WHEREAS, Spectra Energy's AIM project includes the replacement of 26-inch diameter existing pipeline with 42-inch diameter high-pressure natural gas pipeline within the Town of Yorktown; and

WHEREAS, the Submissions do not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering and regulating ("M&R") stations, pipelines and other infrastructure for the entire AIM project in the region and in areas within Yorktown; and

WHEREAS, the Submissions do not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, M&R stations, pipelines and other infrastructure including the entire proposed Atlantic Bridge project in the region and in areas within Yorktown; and

WHEREAS, Spectra Energy's AIM project includes temporary use of 15 acres of land for a contractors' ware yard or pipe yard in Granite Knolls Park West in the Town of Yorktown; and

WHEREAS, Spectra Energy's proposal includes permanent use of approximately one acre of land to be used as a "pigging" station, also known as a launcher/receiver site, in the Town of Yorktown; and

WHEREAS the Town of Yorktown is concerned that the AIM project should not impose additional financial burdens on the Town as a result of: infrastructure damage to roads, bridges, culverts, water mains, utilities, etc.; cost increases for necessary emergency response enhancements; loss of tax revenues associated with decreases in property values and/or usage ; and

WHEREAS, Spectra Energy Corporation has acknowledged that it may not have adequate resources or insurance coverage for such damages should they occur or to reimburse municipalities for costs borne by the municipality should an incident occur; and

WHEREAS, materials and contaminants in the pipeline may include Radium, Radon and its decay products, Lead 210 and Polonium 210, which are known carcinogens, and may include other substances that are carcinogens; and

WHEREAS, scientific studies have demonstrated that during pipeline maintenance and cleaning, known as the “pigging” process, the radioactive decay products, Lead 210 and Polonium 210 may be present; and

WHEREAS, there is presently no advanced notification currently in effect for all planned compressor station and other gas pipeline infrastructure and operations blowdowns, either full or partial, or immediately following any unplanned partial or full blowdowns in order for residents and public officials to take prompt emergency measures; and

WHEREAS, the location of the Spectra AIM pipeline expansion within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods, and in close proximity to the intersection of two geological fault lines including the Ramapo Fault and the Stamford-Peekskill fault, poses a risk of catastrophic damage with profound long-term impacts on the region; and

WHEREAS, municipalities may bear costs associated with additional emergency training, equipment (including up-to-date foam to extinguish fires), and first responses to a M&R station, pipeline, or other gas infrastructure incident; and

WHEREAS, the current Spectra AIM project area within Yorktown and the region has not been fully evaluated to establish a baseline for air quality; and

WHEREAS, peer-reviewed scientific studies allege that emissions from pipeline leaks, compressor stations and other shale gas infrastructures are associated with negative health impacts; and

WHEREAS, the region including Westchester County is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency (“EPA”) and exceeds the limits for air pollutants such as ground-level ozone; and

WHEREAS, the Spectra AIM project would significantly increase the volume of shale gas transmitted through pipelines and processed by a M&R station and mainline valve (“MLV”) sites located in Yorktown with the likelihood of correspondingly higher emissions of toxic materials; and

WHEREAS, the Town of Yorktown is obligated to protect the health and welfare of all of its residents;

NOW THEREFORE, BE IT

RESOLVED, that an independent air emissions baseline assessment, funded by Algonquin and Spectra, be conducted by an independent expert acceptable to industry, local government officials, advocates and the public, in the areas directly impacted by the existing and proposed compressor stations, venting and M&R stations and that continuous emissions monitoring be conducted and results of the continuous monitoring be made available to the public in a transparent manner; and be it

FURTHER RESOLVED, that the best available mitigation technologies and practices be required to be installed on every possible component of the existing and proposed expansion of Algonquin and Spectra’s compressors, M&R stations, launcher/receiver sites and other gas infrastructure including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, and methane capturing equipment and practices outlined by the EPA; and be it

FURTHER RESOLVED, that the best available technologies, materials and practices be required to be utilized on every section of the existing and proposed Spectra AIM pipeline, including protective coatings to prevent corrosion, adequate cathodic protection, annual pipe-to-soil test readings, both automatic and remote

shutoff valves and mechanisms to assure that the maximum pressure in the pipeline is not exceeded; and be it

FURTHER RESOLVED, that all technologies, materials and practices utilized shall have been fully tested and that none of the materials, processes and/or technology are new, untested or pilot versions and that operational checks are put into place to discover leaks and other problems in a timely manner; and be it

FURTHER RESOLVED, that Algonquin and Spectra shall not locate the receiver/launcher site within its jurisdiction; and be it

FURTHER RESOLVED, that there be a public hearing regarding the health effects of compressor stations, M&R stations, MLV sites and venting stations, and effective immediately, advanced notification of all planned blowdowns and releases of facilities within or near the Town of Yorktown, either full or partial, and notification within 30 minutes following any unplanned release of gas be given to the Town of Yorktown in order to alert all residents, police, fire departments and municipal officials; and be it

FURTHER RESOLVED, that a comprehensive and transparent Health Impact Assessment (“HIA”), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by Algonquin and Spectra; and be it

FURTHER RESOLVED, that this comprehensive and transparent HIA cover cumulative short-term and long-term as well as direct and indirect impacts of all infrastructure components of the AIM project, including compressor stations emissions and blowdowns, M&R stations emissions, venting stations and pipeline leakage prior to construction, during construction, during normal operations and during blowdowns and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including radium precipitate, radon and its decay products, lead and polonium; and be it

FURTHER RESOLVED, that an independent assessment of the potential impacts on air, water and soil of pipeline maintenance, known as “pigging,” to be conducted at and all launcher/receiver staging areas and the handling, storage, cleaning and disposal of Pipeline Inspection Gauges (“PIG”), PIG wastewater, PIG launchers and all other associated equipment be conducted by an independent expert acceptable to industry, local government officials, advocates and the public, funded by Algonquin and Spectra and that results be made available to the public in a transparent manner; and be it

FURTHER RESOLVED, that Algonquin and Spectra shall comply with New York State Law since it has one of the highest standards of environmental protection by undergoing a full Environmental Impact Statement to comply with the requirements of the New York State Environmental Quality Review Act and minimize and mitigate any negative environmental impacts; and be it

FURTHER RESOLVED, that the Town of Yorktown is requesting full party status in the proceedings so that it may assist FERC in ensuring that the AIM project is constructed and operated in a safe manner and that the AIM project does not impose undue burdens on the Town, its residents and the general public; and be it

FURTHER RESOLVED, that a comprehensive, independent risk assessment of the potentially catastrophic explosion of a 42” diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone be conducted and made publicly available, and that the assessment should be funded by Algonquin and Spectra and that the assessment and the AIM project should comply with all Nuclear Regulatory Commission requirements; and be it

FURTHER RESOLVED, that Algonquin and Spectra provide a full, independent cost analysis of the procurement of emergency supplies, equipment and

training for local first response teams to respond to events related to the AIM project, including potential fires, explosions, leaks, spills, blowdowns and evacuations due to these incidents; and be it

FURTHER RESOLVED, that Algonquin and Spectra provide proof of adequate insurance from an A-rated admitted carrier in New York State or self-insurance represented by adequate segregated cash reserves for all potential costs and expenses involved with maintenance and responding to emergencies and mitigating damages as a result of any ongoing negative effects or incident relating to or resulting from the AIM Project; and be it

FURTHER RESOLVED, that Algonquin and Spectra shall develop a comprehensive plan and adequate insurance from an A-rated admitted carrier in New York State or adequate segregated cash and other readily available assets for the restoration of any damage to public or private infrastructure, lands, streams or other property without the imposition of costs to government or private entities within or adjacent to the Town of Yorktown; and be it

FURTHER RESOLVED, that Algonquin and Spectra provide assurances from the Federal Housing Administration and the Federal Housing Finance Agency on behalf of all government organized or sponsored residential mortgage entities that residential mortgages with be and will remain federally insured in and near the path of the AIM project; and be it

FURTHER RESOLVED, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission, the New York State Department of Environmental Conservation and all involved agencies with the request that no permits be issued or further action is taken until all concerns in this Resolution are addressed and mitigated.

Grace, Murphy, Patel Voting Aye
Resolution adopted

ADJOURN

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

The Town Board meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown