

Meeting of the Town Board, Town of Yorktown held on September 23, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Absent: Nicholas J. Bianco, Councilman

Also Present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
Patricia Caporale, Comptroller  
Patricia Barresi, Director of the John C. Hart Library

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

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

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

#### AUDIT PRESENTATION

Nicholas DeSantis and Allan Kassay, representatives of the auditing firm O'Connor Davies told the Board that based on their audit of the 2013 books, the Town of Yorktown is in excellent financial condition. Copies of the Audit and Management Letter are on file in the Town Clerk's Office.

#### REQUEST TO PURCHASE NEW SECURITY CAMERA SYSTEM LIBRARY

Patricia Barresi, Director of the John C. Hart Library requested permission to purchase a new security system.

After discussion, Supervisor Grace stated that he would like to take a look at what is going on with the system the Library currently has.

#### PROPOSED LOCAL LAW - TEXTILE RECYCLING

Kim Angliss-Gage, Coordinator of Recycling provided the Town Board with an outline of how the Town of Yorktown's proposed Textile Recycling Program would work.

Town Attorney Jeannette Koster provided details of the creation of a new chapter in the code that would address Collection Bins on public and private property. The local law will go on the next agenda for advertisement of a public hearing on October 21, 2014.

#### WESTCHESTER BALLET CENTER/YCCC

Mrs. Rose-Marie Menes, founder and director of the Ballet Center ask the Town Board to reconsider their decision to close the YCCC on Sundays.

The Board asked for and was given specific dates that Ms. Menes need to have the YCCC open.

Supervisor Grace stated that he would get back to Ms. Menes with a decision.

#### TOWN-WIDE PHONE SYSTEM

Mrs. Margaret Gspurning, Director of the Town's Buildings and Grounds staff spoke about the need for an overhaul of the telephone system. The current system was installed approximately twenty years ago.

The Town Board asked Ms. Gspurning to come back with the specifics of what is needed.

LANDMARKED CROTON HEIGHTS WALLS AND PILLARS

Residents of the Croton Heights community explained that the walls and pillars are crumbling. While the community had been taking care of this landmark, they believe at this point the Town must step in.

Supervisor Grace will schedule a site visit.

HUNTERBROOK NORTH STORMWATER PERMIT ACCESS ROAD  
RESOLUTION #387

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

WHEREAS, Ed O’Conner as applicant, posted check #00294979 in the amount of \$1,500.00 on December 3, 2012, to serve as the Erosion Control Bond for Town Board Stormwater Permit #FSWPPP-008-12, for work to be done at the New York City Department of Environmental Protection’s site located on Hunterbrook Road, and

WHEREAS, work has not yet commenced on the site, and

WHEREAS, Ed O’Connor has requested a permit extension, and

WHEREAS, the Town Board at their Work Session of September 23, 2014, approved a one year extension,

WHEREAS, the applicant is aware that if work does not commence after the one year period, that said project will have to go before the Town Board with a new application, NOW, THEREFORE BE IT

RESOLVED, that Stormwater Permit #FSWPPP-008-12 is hereby extended for a period of one year effective September 23, 2014.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BID – ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICES  
FOR TOWN BOILERS AND FURNACES  
RESOLUTION # 388

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

WHEREAS, invitation to bid for the Annual Maintenance and Emergency On-Call Services for Town Boilers and Furnaces for the period of September 24, 2014 through September 23, 2017 was duly advertised, and

WHEREAS, said bids were received and opened on the 19<sup>th</sup> day of September 2014, with the bid amounts for the above-referenced project summarized as follows:

HRR Industries, Inc. 568 A North Main Street, Suite 206 Brewster, NY 10509	\$8,000.00 Annual Maintenance for Town Boilers and Furnaces \$110.00 per 1 <sup>st</sup> hour of Emergency On-Call Services \$105.00 each additional hour of Emergency On-Call Services
JFJ Fuel Oil Specifications Valley Oil Company 705-707 Nepperhan Avenue Yonkers, NY 10703	disqualified did not follow Instructions for Bid

RESOLVED, that upon the recommendation of the Building Maintenance/Human Resource Specialist, Margaret Gspurning, the bid for the Annual Maintenance and Emergency On-Call Services for Town Boilers and Furnaces be and is hereby awarded to HRR Industries, Inc., the lowest responsible bidder.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

CODE REVIEW

Mr. Arnold explained that he began his review of the Town Code in 2010 and the review that he is proposing to undertake would fall within the same parameters.

Supervisor Grace will arrange a small staff meeting to begin the discussion of revising the code.

1805 EAST MAIN STREET

Mrs. Ursel Torrente, owner of the property explained that the Town Board in its Comprehensive Plan changed her property from a commercial classification to an office classification. According to Mrs. Torrente, she did not receive any of the notices sent to her by the Planning Department. All of the property around her is commercial. She wants her property returned to its commercial status.

Supervisor Grace asked that the property be referred out.

The Clerk asked if this would be on a motion by the Town to rezone the property, or will the owner of the property be the applicant.

This would be on the motion of the Town Board.

AUTHORIZE THE TOWN CLERK TO REFER OUT A REQUEST FOR  
REZONING TWO PARCELS ON EAST MAIN STREET  
RESOLUTION #389

Awaiting information from John Tegeder, the Town Planner.

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

RESOLVED, that the Town Clerk is hereby authorized to refer for a zoning map amendment. To rezone parcels The purpose of the

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 recommendations by .

BROAD STREET – GRIGORY KRAVSTOV

Mr. Gregory Kravtsov handed the Town Clerk a letter (a copy of which is on file in the Town Clerk's Office) that Councilman Murphy read aloud.

In the letter, many requests are made including a possible taking of the property by eminent domain, or helping him to resolve environmental issues on his property.

The Town Board asked the Town Attorney to deny the requests in writing.

REQUEST USE OF YCCC GYMNASIUM TO HOLD BLOOD DRIVE  
COMMUNITY DAY FESTIVAL AND FAIR DAY OCTOBER 2014  
RESOLUTION #390

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

Resolved, that the Town Board of the Town of Yorktown hereby waives the fee for use of the Yorktown Community Cultural Center Gymnasium to have a blood drive on Community Street Festival and Fair Day in October 2014.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE ATTENDANCE TO NEW YORK STATE BAR ASSOCIATION ANNUAL  
MEETING – TOWN ATTORNEY

RESOLUTION #391

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

RESOLVED, that the Town Board approves the Town Attorney’s attendance at the Annual Fall meeting of the Municipal Law Section of the New York State Bar Association October 17- 19, 2014 in Saratoga Springs, and the payment of expenses in relation thereto.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH LAND COMMUNICATIONS, INC. – POLICE DEPARTMENT

RESOLUTION #392

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with Land Communications, Inc., for the maintenance of telephone equipment and telephone system at the Police Department (also includes the EOC phone system), from October 1, 2014 through September 30, 2015, in the annual amount of \$2,161.50.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE ATTENDANCE TO THE COURT CLERK’S CONFERENCE IN ALBANY DEPUTY COURT CLERK

RESOLUTION #393

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

Resolved, that the Town Board approves the overnight attendance of Deputy Court Clerk to attend the Court Clerk’s conference in Albany from September 29 – October 1, 2014. Grant from the Association will cover all expenses.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN JCAP GRANT APPLICATION FROM THE OFFICE OF COURT ADMINISTRATION - \$2,960.28 – JUSTICE COURT

RESOLUTION #394

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

Resolved, that the Town Board authorizes the Town Supervisor to sign the JCAP Grant Application from the Office of Court Administration, totaling \$2,960.28.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE BUDGET TRANSFER – AMAZON PARK DISTRICT

RESOLUTION #395

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 Amazon Beach Park District

From:		
AP.909	Fund Balance	\$2,500.00
To:		
AP.7180.454	Property Improvements	\$2,000.00
AP 7180.416	Property Maintenance	\$ 500.00

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

REQUEST TO ADVERTISE BID FOR ULTRA VIOLET LAMP REPLACEMENT FOR THE  
DISINFECTION SYSTEM – WATER POLLUTION CONTROL PLANT  
RESOLUTION #396

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

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 Monday, October 20, 2014, for the Disinfection System Ultraviolet Lamp Replacement for the Water Pollution Control Plant, Bid #14-6.

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.

APPROVE BOND REDUCTION – CROMPOND CROSSING SITE PLAN  
RESOLUTION #397

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

WHEREAS, Robert Schrader applicant, provided the Town with The First Bank of Greenwich Letter of Credit #101-2012 in the amount of \$545,735.00 to serve as the Performance Bond for the Crompond Crossing Site Plan located on Old Crompond Road, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #104-2012 in the amount of \$35,000.00 to serve as the Erosion Control Bond, and

WHEREAS, The Gateway Development Group, Inc., as applicant, provided the Town with Check #1016, in the amount of \$46,458.00 to serve as the 8% Inspection Fee, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #103-2012 in the amount of \$35,000.00 to serve as the Erosion Control Bond for Wetland Bond for Wetland, Stormwater & Tree Permit #WP-FSWPPP-T-032-11, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #102-2012, in the amount of \$25,000.00 to serve as the Wetland Bond to be held for five years for the above referenced permit, #WP-FSWPPP-T-032-11, and

WHEREAS, The Gateway Development Group, Inc., as applicant, provided the Town with Check #1015, in the amount of \$5,000.00 to serve as the Inspection Fee for the above referenced permit, #WP-FSWPPP-032-11, for the Town's wetland consultant, and

WHEREAS, all the above referenced monies were accepted at the Town Board Meeting of October 2, 2012, and

WHEREAS, the applicant has requested a bond reduction for the Performance & Erosion Control Bonds (Performance - \$545,735.25 - \$500,472.76 back to developer = \$45,262.49

remaining bond amount – Erosion Control - \$35,000 - \$31,500 back to developer = \$3,500 remaining bond amount), and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined all improvements have met Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Performance & Erosion Control Bonds are hereby reduced and all other monies remain in full force and effect.

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE BOND ACCEPTANCE – SPIRELLI ELECTRIC  
RESOLUTION #398

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

WHEREAS, Spirelli Electric, as applicant, provided the Town with Check #12258 in the amount of \$3,500.00 to serve as the Performance Bond for a Certificate of Occupancy, for outside site improvements including landscaping and curbing as per the Planning Department, for the Spirelli Site Plan located on East Main Street, NOW, THEREFORE BE IT

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

Grace, Murphy, Patel Voting Aye  
Resolution adopted.

EXECUTIVE SESSION

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

The Town Board moved into Executive Session for advice from Counsel.

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

The Town Board moved out of Executive Session.

ADJOURN

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

The Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown