

Meeting of the Town Board, Town of Yorktown held on October 21, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

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

Also Present: Diana L. Quast, Deputy Town Clerk
Patricia Caporale, Town Comptroller
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

PLEDGE OF ALLEGIANCE

Eagle Scout Robert Kramer 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.

PRESENTATION

Nicholas DeSantis and Alan Kassay from O'Connor Davies were present to give the Town Board an overview of the 2013 Financial Audit. Mr. DeSantis stated that the Town is in good financial condition.

Supervisor Grace thanked Comptroller Patricia Caporale and her staff for their excellent work, and thanked all town departments for their hard work.

Councilman Murphy thanked the Town's Auditors for their report.

Councilman Patel stated he was concerned about using surplus.

DURING REPORTS FROM THE TOWN SUPERVISOR, Supervisor Grace stated that the Lions Halloween Parade is from 2:00 PM to 4:00 PM on Saturday. He also stated that the Town will be conducting an auction of real property and this Saturday there will be a walk through of the properties. He stated that you can submit a bid in advance or come to the Town Hall on November 8, 2014 for the auction.

DURING REPORTS FROM TOWN BOARD MEMBERS:

Councilman Murphy stated that the Water Department will be doing hydrant flushing and you can check the Town's website for more information at www.yorktownny.org

Councilman Patel stated that he attended an Eagle Scout Ceremony. He urged people to drive carefully, especially on Halloween when many children are out.

Supervisor Grace and Councilman Murphy wished everyone a Happy Halloween.

RESOLUTIONS – OCTOBER 7, 2014

The Town Board approved the resolutions from October 7, 2014.

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

Ms. Gerry Schwab spoke on behalf of the Yorktown Rotary. She stated that Friday, October 24, 2014 is World Polio Day which focuses this year on the final push to end the crippling disease. The Yorktown Rotary will receive a proclamation from the Town and invites everyone to participate on Friday, October 24, 2014 in front of Town Hall.

A resident stated that the Town Code needs to be addressed in certain areas and the Town should consider a moratorium until it is updated.

Supervisor Grace stated that he had a staff meeting and the entire Code will be looked at.

Mr. Howard Frank stated that more due diligence should be done when addressing retro pay and settling contracts.

Mr. Tom Diana stated that he is a lifelong resident of the Town and feels he can work well with others. With regards to the Spectra Energy Pipeline, he would wait to see what policy the Federal Energy Regulatory Commission comes up with.

Mr. Ed Ciffone spoke about the audit, veteran's exemptions and the fund balance.

Mrs. Susan Siegel stated that the October 7, 2014 Town Board agenda had an item on it to approve a new telephone system, she would like to know why the procurement policy was being ignored.

Supervisor Grace explained that it came in under the State procurement Policy but the Town will do an RFP.

Mr. Brian Amico stated that a complaint was filed against CRP and he is still waiting for a response from his FOIL to the Town Attorney.

COURTESY OF THE FLOOR – CLOSED

RECONVENE PUBLIC HEARING
REQUEST TO OPERATE A CONVALESCENT HOME

Supervisor Grace reconvened the public hearing to consider the application received from Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace asked Planning Director John Tegeder to give an overview of the Planning Board memo regarding this application.

Planning Director John Tegeder read the Planning Board memo on file in the Town Clerk's Office.

Mr. John Nowak spoke about the parking spaces and the proximity to the septic fields. He noted that there are violations on the property. He also read a letter regarding the Planning Board's memo and stated that site plan approval is needed.

Supervisor Grace stated that a site plan will be requested and will be signed by the Supervisor.

Mr. John Nowak offered to help review the Town Code and help with updating it.

Ms. Pia Riverso echoed Mr. Nowak's comments and stated that the Planning Board was very professional. She also offered to help revise the Town Code. She read her comments which are on file in the Town Clerk's Office.

Dr. Arnold Washburn spoke about the therapeutic values of having a sober home in the Town. He stated that there are many positive influences that a sober home can make in a community.

Supervisor Grace stated that sober homes are used as transition to a normal living environment.

Councilman Patel asked what the success rate was and who can be ejected from the home.

Ms. Riverso spoke about the stipulated conditions from the residents regarding this application. She also stated that there are two bills being looked at regarding sober homes in Suffolk County. She offered to sit down with Mr. Al Capellini to have a cohesive agreement drawn up.

Supervisor Grace spoke about sober homes and why this one needs to be run well.

Ms. Riverso stated that sober homes should be in a commercial area not a residential area; this could set a precedent for neighbors and their homes.

Mr. Al Capellini, Esq. for the applicant stated that the therapeutic values of these homes are because they are in a residential setting and they can work together.

Mr. William Primavera read a letter to the Town Board which is on file in the Town Clerk's Office.

Mr. George Brink stated that he owns multiple buildings and there is a natural fear of having a sober home next door. He feels that having a sober home next door will impact property values.

Mr. Nick Tomasses stated that it is very important to know where the septic fields are and it should be approved by an engineer with BOH approval.

Mr. Al Capellini stated that the ZBA determined that a sober home is a convalescent home.

Mr. Nowak stated that the applicant should take the Planning Board comments and Town Board Comments and submit a new site plan.

Mr. Capellini stated that revised plans will be drafted and submitted to the Town Board.

Mr. Jay Copstein stated that the hearing should be left open until a revised site plan is submitted to the Town Board.

Councilman Murphy stated that he would consider that request.

Mr. Capellini stated that a revised site plan will be submitted to the Town Board for approval.

Supervisor Grace stated that he does not know if the Town Board needs to keep the public hearing open. The Town Board will decide.

Mr. Al French read prepared comments which are on file in the Town Clerk's Office.

Mr. Ed Ciffone asked if the special use permit is granted does it set a precedent to have sober homes in other areas of Town.

Councilman Murphy stated that there have been some extremely important issues raised tonight and he would like to meet with the Planning Director to address the septic fields.

Ms. Riverso spoke about the regulations for group homes and questioned what the level of saturation for the Town would be with regards to group homes.

Mr. McCrossan stated that they have been back several times and would like the public hearing closed and a decision made.

Supervisor Grace stated that this public hearing has been back once since the ZBA decision was made. This is the second time and he feels that great strides have been made with this application. Many issues have been addressed, site visits have been made, neighbors concerns have been taken into consideration and there will be conditions on this application.

Mr. McGrossan stated that he would like the Town Board to close the public hearing.

Supervisor Grace stated that the Town Board has to take into consideration everyone's comments.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned. Upon motion made by Supervisor Grace, seconded by Councilman Murphy.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW CREATING A NEW CHATER 138 CONCERNING
COLLECTION BINS AND TO AMEND CHAPTER 225 ENTITLED PROPERTY
MAINTENANCE CONCERNING CLOTHING BINS

Supervisor Grace reconvened the public hearing to consider a Proposed Local Law to enact a new Chapter 138 of the Town Code concerning COLLECTION BINS, and to amend Chapter 225, entitled PROPERTY MAINTENANCE concerning clothing bins. Affidavits of Posting and Publication were presented by the Town Clerk.

Mrs. Kim Gage spoke about the new Textile Recovery Program and how it will be advantageous to the Town.

Mr. Howard Frank stated that we may be comingling with other companies.

Mrs. Kim gage stated that the Town sent out an RFP for this program and the Town received four proposals back.

The Town Attorney stated that a newer version of the law is before the Town Board which has a minor change.

Supervisor Grace explained that clothing bins will now go through a permitting process.

Mr. Howard Frank stated that there are two illegal bins on Veterans Road and asked the Town to take a look at this issue.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion made by Councilman Murphy, seconded by Supervisor Grace.

LOCAL LAW # 5 OF 2014 CREATING CHATER 138 CONCERNING
COLLECTION BINS AND TO AMEND CHAPTER 225 ENTITLED PROPERTY
MAINTENANCE CONCERNING CLOTHING BINS
RESOLUTION #422

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

WHEREAS a public hearing was held on the 21st day of October, 2014 pursuant to notice duly published as required by law to consider the Proposed Local Law to enact a new Chapter 138 of the Town Code concerning COLLECTION BINS, and to amend Chapter 225, entitled PROPERTY MAINTENANCE concerning clothing bins, now therefore be it,

RESOLVED that Local Law #5/2014 as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye

Local Law #5/2014 was thereupon declared adopted.

AWARD RFP FOR NEW TEXTILE RECOVERY PROGRAM
RESOLUTION #423

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

WHEREAS, the Town Board adopted a resolution on July 1, 2014, to request proposals from qualified parties for a new Textile Recovery Program proposed by the Refuse & Recycling Department;

WHEREAS, Kim Angliss Gage, Coordinator, Refuse & Recycling Department, reviewed four proposals and discussed the options with the Town Board during the September 23, 2014, Work Session,

WHEREAS, per the requirements of the RFP, the contractor will:

1. Provide a turnkey program, at no-cost to the Town of Yorktown that includes placement of a 20-yd stationary container to be sited at the Refuse & Recycling Department, for those used textiles collected by the Refuse & Recycling Department; as well as three to five standard size used clothing bins to be placed on other Town-owned properties for residents to directly deposit textiles; and
2. Empty the collection pod and used clothing bins on a scheduled and/or on-call basis; provide monthly collection reports detailing the weight of the recovered contents; and compensate the Town of Yorktown \$.10/pound for the recovered contents;

THEREFORE, per the recommendation of Kim Angliss Gage, Recycling Coordinator, a one-year contract, beginning on January 1, 2015, is to be signed with USAgain, 18 Sargent Place, Mt. Vernon, NY 10550.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 280 ENTITLED WATER
CONCERNING PAYMENT OF WATER BILLS
RESOLUTION #424

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 18th day of November, 2014 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending Article III, Chapter 280 of the Code of the Town of Yorktown entitled "WATER," concerning payment of water bills..

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power

vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Subdivision H of Section 280-16 (entitled "Payments for service; rendering of bills") in Chapter 280 of the Town Code (entitled "WATER") is amended to read as follows:

- H. Following the end of each of the Town's fiscal years, the total balance of any delinquent account which remains outstanding as of [March 17] February 28 of the subsequent fiscal year shall be deemed to be assessed against the property serviced under the account as a lien, and the Receiver of Taxes shall, when extending the next general tax upon the Town assessment roll, place unpaid amounts thereon as against said property, and such amounts shall be collected at the same time, in the same manner and by the same proceedings as other taxes on said roll.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

ADVERTISE BID – PURCHASE AND INSTALLATION OF BOILER – WATER DEPARTMENT RESOLUTION #425

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 November 13, 2014, for a contract to furnish and install a New Hot Water Oil-Fired Burner at the Water Department Main Office Building. Contractor must provide the following; all labor, materials, equipment, plumbing, electrical, and supervision necessary for installation at the Town's Water Department office located on 1080 Spillway Road Shrub Oak, NY 10588. A bid packet, including Information for Bidders, Specifications, and Bid Proposal Form, may be obtained at the office of the Town Clerk at Town Hall.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

AWARD BID VARIOUS CHEMICALS WATER POLLUTION TREATMENT PLANT RESOLUTION # 426

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

RESOLVED, that the bid for Ferric Chloride be awarded to PVS Technologies Inc., the low bidder, at a cost of \$479.00 per dry ton, and be it further

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Coyne Chemical Co., Inc., the low bidder, at a cost of \$147.33 per drum, and be it further

RESOLVED, that the bid for Caustic Soda 50% be awarded to H. Krevit & Company, Inc., the low bidder, at a cost of \$1.997 per gallon, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to H. Krevit & Company, Inc., the low bidder, at a cost of \$88.00 per drum, and be it further

RESOLVED, that the bid for Citric Acid 50% be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$354.44 per drum, and be it further

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical Company, Inc., the low bidder, at a cost of \$165.98 per drum, and be it further

RESOLVED, that the bid for Sodium Bisulfite 38% be awarded to Coyne Chemical Company, Inc., the low bidder, at a cost of \$156.26 per drum, and be it further

RESOLVED, that the bid for Sodium Hypochlorite 15% be awarded to H. Krevit & Company, Inc., the low bidder, at a cost of \$94.00 per drum, and be it further

RESOLVED, that the bid for Calgon Poly-E-Z 6500 be awarded to Coyne Chemical Co., Inc., the low bidder, at a cost of \$11.33 per dry ton.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

APPOINTMENT – POLICE OFFICER
RESOLUTION #427

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

BE IT RESOLVED, that Michael J. Tillstrand is hereby appointed Police Officer in the Town of Yorktown effective October 29th, 2014 to be paid \$50,804.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

AUTHORIZE RENT INCREASE FOR TENANTS OF THE YCCC
RESOLUTION #428

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

RESOLVED, that the Town Board resolves to raise the annual rents of the tenants at the YCCC an additional 1.5% for 2015.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

APPROVE ACCEPTANCE OF BOND
LAKE OSCEOLA SITE PLAN
RESOLUTION #429

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

WHEREAS, Hill Blvd., Inc. as applicant and developer, provided the Town with check #1041 in the amount of \$34,687.00 (\$19,687 for 8% Inspection Fees and \$15,000 for Erosion Control) for the Site Work Estimate for the Valley Commons Site Plan located in Jefferson Valley,

WHEREAS, Hill Blvd., Inc., as applicant and developer, provided the Town with check #1043 in the amount of \$2,800.00 (\$1,800 for Inspection Fees and \$1,000 Wetland Bond) for Wetland and Excavation Permit #WP-E-050-09, 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 site plan.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

APPROVE BOND RELEASE
VALLEY COMMONS AKA PEG REALTY – VALLEY COMMONS SITE PLAN
RESOLUTION #430

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

WHEREAS, The Unicorn Contracting Corp., (aka: Lake Osceola Realty Corp.) as applicant, provided the Town with Westchester Fire Insurance Company Site Improvement Bond #K08916895 in the amount of \$540,902.00, to serve as the Performance Bond for the Lake Osceola Realty Site Plan located on East Main Street, and

WHEREAS, The Unicorn Contracting Corp., (aka: Lake Osceola Realty Corp.) as applicant, provided the Town with Westchester Fire Insurance Company Bond #K08916937 in the amount of \$30,000.00, to serve as the Erosion Control Bond, and

WHEREAS, Lake Osceola Realty Corp., as applicant, provided the town with Check #1418 in the amount of \$45,672.00, to serve as the 8% Inspection Fee, and

WHEREAS, Lake Osceola Realty Corp., as applicant, provided the Town with Check #1423 in the amount of \$5,000.00, to serve as the Wetland Bond (being held for five years) for Wetland & Stormwater Permit #WP-FSWPPP-039-12, and

WHEREAS, all of the above monies were accepted at the Town Board meeting of July 16, 2013, and

WHEREAS, the applicant has requested the return of their Performance & Erosion Control Bonds be released as the project is complete (Wetland Bond being held for five years), 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 above referenced bonds (\$540,902 & \$30,000) are hereby released to The Unicorn Contracting Corp., (aka: Lake Osceola Realty Corp.), 3102 Route 9, Cold Spring, NY 10516, Attn: Matt Moran.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

AUTHORIZE EXPENDITURE FROM PARKLAND TRUST ACCOUNT –
DOWNING PARK & YCCC PLAYGROUNDS
RESOLUTION #431

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

Be it resolved, that the Parks & Recreation Commission is authorized to spend a maximum of \$20,000 from TE37 Parkland Trust to complete construction of playgrounds at both Downing Park and Yorktown Community & Cultural Center.

Approximate expenditures are detailed as follows:

Safety Mulch	\$11,500
Railroad Ties & Spikes	\$ 2,500
Drainage Stone & Pipe	\$ 700
Fencing	\$ 5,000
Miscellaneous	\$ 300

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN MAINTENANCE AGREEMENT WITH
BUSINESS ELECTRONICS, INC. FOR THE YORKTOWN POLICE
DEPARTMENT
RESOLUTION #432

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

RESOLVE that the Town Supervisor is authorized to sign a maintenance agreement with BUSINESS ELECTRONICS, INC. for servicing the Yorktown Police

Department's voice recorder equipment for the period December 1, 2014 through November 30, 2015. The annual contract amount is \$2,760.00.

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

REFUND DUPLICATE TAX PAYMENTS
RESOLUTION #433

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

RESOLVED, the Town Board authorizes the refund of a duplicate tax payment to the following accounts:

<u>Account Number</u>	
Suntrust Mortgage Inc.	507000, 1092500
New Chalet Apartments	547666
City of New York	0728000
Industry Consulting Group, Inc.	0451000
Wells Fargo	0541569, 1669500, 1580500, 2984100, 4814500
Corelogic	4772000, 2032000, 4299500, 1975500, 1459000, 1450500, 2807500, 3116000, 4742100, 0401000, 4488000, 1478000, 3059500
Lereta	0400000, 1451081, 3689000

Grace, Murphy, Patel Voting Aye.
Resolution adopted.

ADJOURN

The Town Board meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown