

Meeting of the Town Board, Town of Yorktown held on October 28, 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

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
Patricia Caporale, Town Comptroller
John Winter, Building Inspector
Kim Penner, Assessor
Sharon Robinson, Acting Town Engineer
Dave Rambo, Water Distribution Superintendent
Edward Mahoney – Water Pollution Control Plant

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

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

The Town Board moved into Executive Session to negotiate new rental rates at the YCCC and for negotiations insurance companies.

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

BENEFITS ADMINISTRATION

The Town Board discussed the requirements of the Affordable Care Act with representatives of CPI-HR, a company that provides benefits as well as payroll administration to communities.

Michael Grinnell and Kristen Tudman explained the reporting requirements of this law and the services their company would provide.

WATER POLLUTION PLANT

Mr. Bob Ravallo, a representative of the Department of Environmental Protection along with Acting Town Engineer Sharon Robinson and Edward Mahoney spoke about the bid that was opened on October 20, 2014 for the Disinfection System Ultraviolet Lamp Replacement for the Water Pollution Control Plant. Although the low bidder appears to be extremely low, Mr. Mahoney stated that he has called all of the companies listed for recommendations and have found no problems. Mr. Ravallo also spoke saying that he doesn't have a problem with the bid. He further explained that at that price even if the bulbs did not last three years, the proposed price was still a bargain. This is a project that is being paid for with money from his agency.

Supervisor Grace explained that this will be voted on at the November 18, 2014 meeting.

Mrs. Robinson also asked the Town Board to approve an advertisement for other work to be done at the plant. She's trying to get all of the contracts on the same three year time frame.

ADVERTISEMENT
MEMBRANE FILTRATION MODULE REPLACEMENT
FOR WATER POLLUTION CONTROL PLANT
RESOLUTION # 434

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 Monday, December 8, 2014, for the Membrane Filtration Module Replacement for the Yorktown Heights Sewage Treatment Plant, Bid #14-8.

Grace, Murphy, Patel Voting Aye
Resolution adopted

ADVERTISEMENT
ON CALL GRID REMOVAL
RESOLUTION # 435

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 10:30 A.M., on Monday, December 8, 2014, for the On Call Grit Removal and Disposal for the Yorktown Heights Sewage Treatment Plant, Bid #14-7.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE SUPERVISOR TO
SIGN A CONTRACT WITH MASER CONSULTANTS
FOR THE SPARKLE LAKE DAM PROJECT
RESOLUTION #436

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) regulations require the Town to comply with the Bureau of Flood Protection and Dam Safety Regulations for Class C (High Hazard) Dams, and

WHEREAS, the NYSDEC's Dam Safety Division modified Maser's Consulting's original dam design which relocated the natural dam overtopping location to a gentler slope, consequently greatly increasing the NYS wetland impacts; and

WHEREAS, the NYSDEC's Division of Environmental Permits has now required additional wetland mitigation design, monitoring and reporting to address the Dam Safety's modification to the overtopping location (attached NYSDEC requirements); and

WHEREAS, the design fees will be fully funded by Engineering Special Projects code A1440.479, NOW THEREFORE, BE IT,

RESOLVED, the Town Board authorizes the Town Supervisor to sign an agreement with Maser Consulting, P.A., for professional engineering for the wetland mitigation, design and monitoring services for the Sparkle Lake Dam project, in the amount not to exceed \$12,100.00.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE RELEASE OF
AN EROSION CONTROL BOND TO CRISCI
RESOLUTION #437

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

WHEREAS, Peter & Jeanne Crisci as applicants, posted check #4402 in the amount of \$300.00 which was deposited into the T33 Account on September 29, 2014, covering Stormwater Permit #055-14 for work performed at their Pine Brook Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00, be and is hereby released to Mr. & Mrs. Peter Crisci, 1535 Pine Brook Road, Yorktown Heights, NY 10598.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE RELEASE OF
AN EROSION CONTROL BOND TO LITRENTA/MENDELSON
RESOLUTION #438

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

WHEREAS, Maria Litrenta as applicant for Mendelson, posted check #1161 in the amount of \$300.00 which was deposited into the T33 Account on August, 2014, covering Wetland Permit #051-14 for work performed at the Meadowcrest Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00, be and is hereby released to Ms. Maria Litrenta, 2626 Gregory Street, Yorktown Heights, NY 10598.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE RELEASE OF
AN EROSION CONTROL BOND TO DEVINO
RESOLUTION #439

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

WHEREAS, Thomas & Sally DeVino, as applicants, posted check #171 in the amount of \$500.00 which was deposited into the T33 Account on November 1, 2013, covering Stormwater Permit #080-13 for work performed at their Saw Mill River Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$500.00, be and is hereby released to Mr. & Mrs. Thomas DeVino, 320 Saw Mill River Road, Yorktown Heights, NY 10598.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE RELEASE OF
AN EROSION CONTROL BOND TO CELIO
RESOLUTION #440

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

WHEREAS, Anthony Celio, as applicant, posted check #833 in the amount of \$500.00 which was deposited into the T33 Account on January 15, 2010, covering Wetland Permit #001-10 for work performed at the Dale Street 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 \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$500.00, be and is hereby released to Mr. Anthony Celio, 415 Birdsall Drive, Yorktown Heights, NY 10598.

Grace, Murphy, Patel Voting Aye
Resolution adopted

YORKTOWN SMALL BUSINESS
ASSOCIATION

Mr. Robert Giordano, head of the Small Business Association updated the Town Board on the progress that has been made in getting additional parking spaces on Front Street. He reported that the Highway Superintendent has marked out additional parking spaces so that the small businesses in the area can have their clients park in front of their buildings. Unfortunately, there has been no movement to get people who work at local businesses to park in the commuter lot at Town Hall rather than the lot in front of the Highway Building.

HALLOCKS MILL ROAD

Mr. Jeff Regan, a resident of Hallocks Mill Road asked the Town Board for help. Hallocks Mill Road is very narrow. There is a serious speeding problem in the area. He is concerned because his daughters as well as other young children wait for the school bus in the morning and people are speeding down his road with speeds sometimes up to 50 miles per hour.

Councilman Murphy and Public Safety Officer Larry Eidelman will make a site visit and give the Board their recommendations about what can be done.

WATER DEPARTMENT

Water Distribution Superintendent Dave Rambo spoke about problems with IBM's Meter Pit. The town helped to install some of the new meters. But, due to problems with the installation, the water was shut off, and discovered that a nearby home was being serviced by the IBM line. The Water Department advised the homeowner that the Town would be installing a new service line for his property which is currently on the market. IBM wants the Town to install the other meter, but it has to happen on a weekend while its on-site day care center is closed. They would like the Town to help defray the cost of using workers on the weekend.

The Town Board advised Mr. Rambo to say no.

Mr. Rambo spoke about the water bills that are currently done by the Northern Westchester Joint Water Works. The Town spends \$239,000 a year for the billing. Mr. Rambo explained that he could hire an employee and spend less money producing the bills.

APPROVE THE AUCTION OF
WATER DEPARTMENT EQUIPMENT
RESOLUTION #441

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

WHEREAS, the Water Department Superintendent David Rambo has designated the following items as obsolete or out-of-service equipment;

	<u>Item Description</u>	<u>Quantity</u>
Concrete vault		1

Pallets of water maintenance sleeves	2
Pallet of mechanical joints	1
Pallets of used water meters	4
Office desk	1
Tire jack caddy	1
Bundles of fence slats	21
8 ft. truck cap	1

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

FURTHER RESOLVED, the aforementioned items be sold to the highest bidder upon Water Superintendent approval.

Grace, Murphy, Patel Voting Aye
Resolution adopted

SEARS SIGN PERMIT

Yorktown Building Inspector John Winter discussed the request for a sign permit filed by Sears. The proposal meets the quantitative requirements of the Zoning Ordinance. There is nothing for the Town Board to do, he just wanted to show the Board the plans.

STAPLES PLAZA REZONING REQUEST
LEAD AGENCY DESIGNATION
RESOLUTION #442

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

WHEREAS, REALTY INCOME PENNSYLVANIA PROPERTIES TRUST 2 (“Realty”) is the owner of certain real property, comprised of ±7.3 acres, located south of Crompond Road in the area designated by the Town as the Bear Mountain Triangle (the “BMT”), also known on the Town Tax Map as parcel 36.06-2-75 (“Lot 75”); and

WHEREAS, UB YORKTOWN, LLC (“UB”) is the owner of certain real property, comprised of ±15.7 acres, located south of Crompond Road in the BMT, also known on the Town Tax Maps as parcel 36.06-2-76 (“Lot 76”). A portion of the associated parking for Yorktown BJ’s is located on Lot 76.; and

WHEREAS, Lot 75 is the property upon which the BJ’s WHOLESALE CLUB (“BJ’s”) #76 (“Yorktown BJ’s”) building and some of its associated parking is located on Lot 75, and a portion of Yorktown BJ’s parking is located on a ±2.8 acre portion of Lot 76 ; and

WHEREAS, Lots 75 and 76 comprise what is known as the Staples Plaza (the “Shopping Center”); and

WHEREAS, the entire Shopping Center is presently zoned C-1; and

WHEREAS, Realty, UB and BJ's (collectively, the "Petitioners") are seeking a Zoning Map change for all of Lot 75 and the ±2.8 acre portion of Lot 76 containing Yorktown BJ's parking (the "Subject Area") to a C-3 district, in order to facilitate the development of a gasoline filling station in the Subject Area on Lot 76 (the "Proposed Gas Station"); and

WHEREAS, the remainder of Lot 76 would remain in the C-1 Zoning District; and

WHEREAS, UB is also proposing to construct 3,000 s.f. retail building in the portion of Lot 76 that will remain in the C-1 Zoning District (the "Retail Building"); and

WHEREAS, Petitioners filed a Rezoning Petition with the Town Board which was received and reviewed by the Board; and

WHEREAS, in the event the Rezoning Petition is granted by the Town Board, BJ's Proposed Gas Station will require the issuance of a Special Use Permit from the Town Board, as well as Amended Site Plan approval from the Town Planning Board, and UB will also require Amended Site Plan approval for the Retail Building, comprising the entire "Action" pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project ("Involved Agencies") in accordance with the SEQRA; and

WHEREAS, on or about September 2, 2014, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume Lead Agency status in connection with the SEQRA review of the Project; and (ii) directed the Town Clerk to transmit Part 1 of the Environmental Assessment Form prepared by the Project sponsor ("EAF") to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board's Notice of Intent was transmitted to them; and

WHEREAS, Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board's Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to assume lead agency status ("Lead Agency") with respect to the review of the Project, under SEQRA and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk's transmittal of the aforementioned documentation, and no other Involved Agency has expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Project; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE TOWN BOARD TO
ENTER INTO A RETAINER AGREEMENT WITH
MCCARTHY FINGAR, LLP
RESOLUTION #443

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

WHEREAS, the Town entered into a retainer agreement dated March 15, 2010 with Wormser Kiely Galef & Josephs, LLP (Wormser Kiely), which was amended from time to time, under which, *inter alia*, Wormser Kiely represents the Planning Board and Zoning Board of Appeals, and

WHEREAS, the Town entered into a retainer agreement dated May 6, 2013 with Wormser Kiely, as amended by resolution dated November 13, 2013, covering tax certiorari work; and

WHEREAS, Wormser Kiely is closing its White Plains office on October 31, 2014; be it

RESOLVED, that, effective October 31, 2014, the Town Board hereby terminates the March 15, 2010 and May 6, 2013 retainer agreements with Wormser Kiely, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a retainer agreement with the law firm McCarthy Fingar, LLP, 11 Martine Avenue, White Plains, New York 10606, by which McCarthy Fingar LLP will represent the Planning Board and Zoning Board of Appeals under the same terms and conditions as were set forth in the March 15, 2010, Wormser Kiely retainer agreement, as amended, for that work.

Grace, Murphy, Patel Voting Aye
Resolution adopted

EXTEND THE CONTRACT WITH
CORNERSTONE APPRAISAL ASSOCIATES, INC.
RESOLUTION #444

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an amendment to the agreement between the Town and Cornerstone Appraisal Associates, Inc., for environmental consulting services, dated October 16, 2012, changing the end of the contract term from October 15, 2014 to December 31, 2014.

Grace, Murphy, Patel Voting Aye

Resolution adopted

APPROVE CERTIORARI SETTLEMENT WITH
CECERE'S PROPERTIES LLC
RESOLUTION #445

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

RESOLVED, that the tax certiorari proceedings affecting tax parcels 37.18-2-61 Account Numbers 3636000 and 37.18-2-62 Account 36365000, owned by Cecere's Properties LLC, for assessment roll years 2011, 2012, 2013 and 2014, be settled as set forth in the proposed stipulation as follows:

Section 37.18 Block 2 Lot 61

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2011	6,400	4,000	2,400
2012	4,000	4,000	-0-
2013	4,000	4,000	-0-
2014	4,000	4,000	-0-

Section 37.18 Block 2 Lot 62

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2011	24,200	20,750	3,450
2012	24,200	22,000	2,200
2013	24,200	22,850	1,350
2014	24,200	22,850	1,350

Grace, Murphy, Patel Voting Aye
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN A
CONTRACT WITH ARTHUR J. GALLAGHER &
CO. TO PROVIDE THE SERVICES OF AN INSURANCE
BROKER
RESOLUTION #446

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a agreement with Arthur J Gallagher & Co, 2 Westchester Park Drive, Suite 300, White Plains, NY 10604 to provide the services of insurance broker for the Town of Yorktown effective January 1, 2015

Grace, Murphy, Patel Voting Aye

Resolution adopted

ADJOURN

Upon motion by Councilman Murphy, seconded by Councilman Patel,

The Town Board meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown