

Special Meeting of the Town Board, Town of Yorktown held on June 18, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
Patricia Caporale, Town Comptroller  
Brian Gray, Parks and Recreation Superintendent  
David Paganelli, Highway Superintendent

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

CORDING ROAD EASEMENT

RESOLUTION #270

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

WHEREAS, the Town owns a right of way that is 15.94 feet wide and approximately 456 feet long (the ROW) that provides access to Town-owned parkland (former Section 5.24 Block 16, Lot 38.3) from Cording Road, which ROW is presently improved with gravel and runs between the parcels located at 424 Cording Road, (s/b/l 17.17-2-6) owned by Gina Forbes, and 3091 Hickory Street (s/b/l 17.17-2-5) owned by Dale and Ellen Saltzman; and

WHEREAS, the owner of 424 Cording Road, Gina Forbes (“applicant”) is the holder of an easement over the ROW, the terms of which are set forth in an indenture dated October 17, 1984 between the Town of Yorktown, party of the first part, and prior owners Joseph and Helena Ciaccio, party of the second part, recorded in the Westchester County Clerk’s Office at Liber 7978, Page 231; and

WHEREAS, said indenture requires the easement holder to maintain the ROW and conditions the right to make improvements to it upon the express written consent of the Town; and

WHEREAS, the applicant seeks the Town’s approval to improve a portion of the ROW with additional gravel to improve access to her property, which has no other access to a public road; and

WHEREAS, the Town Board finds that the applicant’s proposed work is appropriate for this ROW;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby grants permission to the applicant to improve the ROW by laying additional gravel onto the surface from Point A to Point B marked on the attached map, a copy of which is on file in the Town Clerk’s Office.

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

37 CROTON DAM ROAD CORPORATION

RESOLUTION #271

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

Resolved, the Town Attorney is authorized to accept a Deed in Lieu of Foreclosure for real property located in the Town of Yorktown, known on the Tax Map as Section 15.20 Block 2 Lot 7

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME

JOHN TROPIANO - RETIREMENT

RESOLUTION #272

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay John Tropiano the cash value of unused time as of his retirement date as follows:

Rate of Pay:	\$434.64	daily				
	\$ 54.3295	hourly				
Sick	105 days	@	75%	=	78.75	
	78.75 days	x	\$434.64	=		\$34,227.90
Compensatory Time	64.25 hours	x	\$ 54.3295	=		\$ 3,490.40
Personal	2 days	x	\$434.64	=		\$ 869.28
Vacation	25 days	x	\$434.64	=		\$10,866.00
Longevity overpayment						<u>\$ - 607.19</u>
					Total	\$48,846.39

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:  
A.909.8 General Fund Reserve for Employee Accrued Benefits

To:  
A3120.108 Police Department Lump Sum Payments

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT WITH YORKTOWN COMMUNITY NURSERY SCHOOL FOR PRE-SCHOOL SUMMER CAMP PROGRAMS RESOLUTION #273

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

WHEREAS, the Town wishes to obtain space for a period of under one month in which to operate a pre-school summer camp program under the Department of Parks and Recreation,

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Community Nursery School, landlord, at 247 Veterans Road, Yorktown Heights, from July 7, 2014 through August 8, 2014, at a rent of \$3,525.00, to be paid out of surplus funds, to provide facilities for the Parks and Recreation Department's pre-school summer camp program.

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE SWART AND FOLEY LITIGATION RESOLUTION #274

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

RESOLVED, the Town Board authorizes the Town Supervisor to sign a Memorandum of Agreement with the Police Benevolent Association (PBA) regarding the K-9 program, the terms of which shall supersede any conflicting provisions in the collective bargaining agreement between the Town and the PBA covering the period January 1, 2010 through December 31, 2014; and be it further

RESOLVED, the Town Board authorizes the Town Supervisor and/or Town Attorney to sign a Settlement Agreement and General Release, and a Stipulation of Dismissal with Prejudice, and in the matter of *Jason Swart et al. v. Town of Yorktown* (13-CIV-0098 (NSR)).

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE WATER DEPARTMENT TRANSFERS  
RESOLUTION #275

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

BE IT RESOLVED, that the following 2014 budget transfers are approved:

Transfer \$66,900 from the Water Department Meter Projects Line (SW.8340.0483.0000) to the Water Department Cement Lining Line (SW.8340.0483.0001) for engineering services pertaining to cleaning and cement relining of water lines; and

Transfer \$51,500 from the Water Department Meter Projects Line (SW.8340.0483.0000) to the Water Department Fluoride Line (SW.8340.0483.0005) for repairing or replacing the fluoridation equipment; and

Transfer \$10,000 from the Water Department Meter Projects Line (SW.8340.0483.0000) to the Water Department Equipment Maintenance Line (SW.8340.0418.0000) for vector, backhoe and miscellaneous equipment repairs.

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE CERTORARI SETTLEMENT – JEFFERSON VALLEY RACQUET CLUB  
RESOLUTION #276

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.08 Block 1 Lot 13, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.08-1-13 Account Number 1879500, owned by Jefferson Valley Racquet Club, Inc. , for assessment roll years 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>Proposed Reduction</u>
2006	191,050	171,950	19,100
2007	191,050	171,950	19,100
2008	191,050	171,950	19,100
2009	191,050	171,950	19,100
2010	191,050	181,500	9,550
2011	191,050	181,500	9,550
2012	191,050	185,300	5,750
2013	191,050	189,150	1,900

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BID – PREVENTIVE MAINTENANCE GENERATOR SYSTEMS #14-2  
RESOLUTION #277

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

Bids were received today for the Preventative Maintenance Generator Systems, Project #14-2, and are summarized as follows:

NAME OF BIDDER	AMOUNT OF BID
H.O. Penn	\$31,208.00
Northeast Generator of CT, Inc.	\$29,010.00
GenServ, Inc.	\$22,590.00
Peak Power Systems, Inc.	\$13,170.02

In order to award this bid I am requesting the Town Board adopt the following resolution:

RESOLVED, that the bid for the Preventative Maintenance Generator Systems, be awarded to Peak Power Systems, Inc., the low bidder, at a cost of \$13,170.02.

Grace, Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

GRANITE KNOLLS ALIENATION

There were questions asked and a discussion of the proposed resolution between members of the Town Board and Chris DePalermo, a representative of Spectra Energy.

GRANITE KNOLLS ALIENATION  
RESOLUTION #278

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

WHEREAS, Algonquin Gas Transmission Company, now known as Algonquin Gas Transmission, LLC, (“AGT”), is seeking approval from the Federal Energy Regulatory Commission (“FERC”) under the Federal Natural Gas Act to replace an existing 26-inch diameter natural gas pipeline with a new 42-inch diameter natural gas pipeline along portions of its existing pipeline right-of-way from Rockland County, New York to southern New England (the “Algonquin Incremental Market Project” or “Project”); and

WHEREAS, the existing 26-inch diameter natural gas pipeline is located in a Town-owned park known as Sylvan Glen Park Preserve and Granite Knolls (referred to hereinafter as “Granite Knolls Park West”) (Sylvan Glen and Granite Knolls Park West referred to collectively as the “Park”); and

WHEREAS, the portions of the Park that would be impacted by the Project include areas having tax map identification numbers 25.20-1-8 (“Parcel A”), 25.16-1-25 (“Parcel B”), 26.13-1-1 (“Parcel C”); 26.13-1-1.1 (“Parcel D”) in Sylvan Glen Park Preserve, and 26.09-1-22 (Parcel “E”) in Granite Knolls Park West; and

WHEREAS, the Town Board of the Town of Yorktown approved Resolution No. 204/2014 on May 6, 2014, as a preliminary step with respect to the Project, requesting the New York State Legislature to enact legislation granting permission to the Town to alienate portions of the Park for the Project; and

WHEREAS, the State Legislature introduced such legislation in the Senate as S. 7484A; and

WHEREAS, the Project will require AGT to construct certain new permanent above-grade facilities on up to one acre of the Park on and adjacent to the existing easement area in Parcel E; temporarily utilize 15.4 acres of Parcel E for a contractor ware yard; and require approximately a total of eight acres of temporary work space adjacent to the existing easement upon Parcels A, B, C, D, and E to facilitate construction work along the existing pipeline right-of-way (the temporary contractor ware yard and temporary work space collectively referred to hereinafter as the “Staging Areas”); and

WHEREAS, AGT seeks a permanent easement on Parcel E for the above-grade facility and a temporary license and construction permit on Parcels A, B, C, D, and E for the Staging Areas; and

WHEREAS, the above-described alienations would be subject to the requirement that AGT implement specific mitigation measures including (1) constructing a new access road to the Park from Stoney Street and a new gravel parking lot with approximately 114 spaces; (2)

creating the basic framework for a new ball field in the Park; (3) reconditioning and restoring the practice fields; and (4) providing funding for use of the Staging Areas; and

WHEREAS, the Town has concluded that the mitigation measures will result in long-term improvements to the Park and amenities for residents of the Town; and

WHEREAS, the Town Board issued and released a Municipal Information Form dated June 4, 2014 that describes the proposed alienations; and

WHEREAS, the proceeding before FERC requires FERC to conduct a thorough assessment of environmental impacts under the National Environmental Policy Act ("NEPA"); and

WHEREAS, the Town and AGT would not enter into the final easement agreement and temporary license and construction permit until FERC completes its environmental review under NEPA and the Town Board acts by separate resolution to approve the alienation;

NOW, THEREFORE, be it Resolved that the Town Board of the Town of Yorktown hereby issues this Home Rule request in support and passage of Senate Bill No. S. 7484A; and be it

Further Resolved, that this Resolution supersedes Resolution #267/2014 passed on June 3, 2014; and be it

Further Resolved, that the Town Board requests the Town Clerk to forward a copy of this Home Rule Request to the State Senate requesting passage of the above-cited bill.

Grace, Murphy Voting Aye  
Bianco, Patel Voting Nay  
Resolution not adopted

#### MASTERPLAN

#### GRANITE KNOLL FIELDS

#### RESOLUTION #279

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

Resolved, the Supervisor is hereby authorized to begin the SEQRA process on a Master Plan for Ball Fields at Granite Knolls.

Grace, Murphy, Bianco Voting Aye  
Patel Voting Nay  
Resolution adopted

#### ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown