

Regular Meeting held by the Town Board, Town of Yorktown on February 3, 2015 held at 363 Underhill Avenue, Yorktown Heights, NY.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Susan Siegel, Councilwoman

Also Present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
Patricia Caporale, Town Comptroller  
David Paganelli, Highway Superintendent

#### 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 litigation and a personnel matter related to particular people.

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

#### PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

#### MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

Among the announcements made by Supervisor Grace during his Report to the Town, the Alliance for Safe Kids will hold its Save A Life workshops at the Yorktown Community and Cultural Center this weekend. Organizers of the Relay for Life Campaign held their kickoff meeting in Yorktown this evening. Supervisor Grace also complimented the Highway Superintendent and his team for doing an excellent job during the past two snow storms.

DURING REPORTS FROM TOWN COUNCIL, Councilwoman Siegel asked the Supervisor to have representatives of Spectra Energy attend the February 17<sup>th</sup> Town Board Meeting. Members of the Town Board and representatives of the community should be given the opportunity to ask questions about the FEIS accepted by FERC and Spectra's request for permits from the NYS Department of Environmental Conservation relating to the AIM project. The Councilwoman also spoke about the ownership of the Jefferson Valley Mall.

Councilman Patel stated that there was an article in the Wall Street Journal regarding Simon Properties.

Supervisor Grace said he asked Spectra Energy to have a representative attend next week's work session or the February 17<sup>th</sup> Town Board Meeting. Unfortunately, none of their representatives are available until March.

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mr. Jay Kostein complimented the Highway Superintendent on the excellent job employees have done during the past two storms. He also criticized the local news media.

Ms. Babbette Ballinger spoke about Teatown Reservation's plans to take down the Croft House which was built during the early 1900's.

Mr. Robert Giordano spoke about the Yorktown Small Business Association.

Mr. Bill Primavera asked that the Board amend its Ethics laws.

Mr. Edward Lachterman, spoke about the Save A Life Workshops at the YCCC this coming weekend.

Mr. Ed Ciffone asked questions about the budget and made comments concerning the salary increases for elected officials.

Mr. Nick Tomanios spoke about an article in the newspaper written by one of tonight's earlier speakers which considered offensive.

DECISION

CON EDISON'S REQUEST FOR WETLANDS AND

TREE PERMIT

RESOLUTION #55

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel,

WHEREAS, the applicant proposes to cut and prune trees as part of an on-going vegetation management plan submitted by the applicant in the electrical transmission corridor; and

WHEREAS, the action requires a Town of Yorktown wetland permit under Chapter 178 of the Town Code; and

WHEREAS, the applicant has applied for a Town of Yorktown wetland permit for the action; and

WHEREAS, the applicant performed an updated delineation of the Town of Yorktown jurisdictional wetlands located on or adjacent to the above referenced tax parcels which is reflected on plans entitled; "Con Edison-Wetland Flags and Trees Loc." prepared by John Heidecker, LS dated 11/18/14, 3 sheets: 3 of 7, 4 of 7 and 6 of 7; and

WHEREAS, the updated Town of Yorktown jurisdictional wetland boundaries were field verified by the Town of Yorktown Environmental Consultant on December 1, 2014 and determined to be accurate; and

WHEREAS, the action will occur in an area of the wetlands and associated wetland buffer also regulated by the New York State Department of Environmental Conservation (NYSDEC) designated as Wetland O-3; and

WHEREAS, the applicant has applied for and received a NYSDEC general wetland permit, dated September 30, 2010 (expiration date: September 30, 2015); and

WHEREAS, the applicant has submitted information indicating that there shall not be any land disturbance greater than 5,000 square feet and as a result, under Section 248-5(A)(4) of the Town of Yorktown Stormwater Management and Erosion and Sediment Control Ordinance a Town of Yorktown Stormwater Permit is not required for the action; and

WHEREAS, under Section 270-7(C)(5) of the Town of Yorktown Tree Ordinance, the action is exempt from the requirement to obtain a tree permit; and

WHEREAS, correspondence from NYSDEC executed by John W. Petronella of NYSDEC did not identify any records of Threatened or Endangered species or any Cultural Resources in the area of the action; and

WHEREAS, the applicant and representatives of Teatown Lake Reservation have indicated that they are working closely together to ensure any impacts to wildlife and habitat in the area of the action are minimized; and

WHEREAS, the action has been determined to be a Type II Action as defined in NYCRR part 617.5(c)(5), right of way openings for the purpose of maintenance of existing utility facilities under the State Environmental Quality Review Act

(SEQRA) and further environmental review is not required; and

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on November 25, 2014; and

WHEREAS, the Town Board has received review comments from the Town of Yorktown Conservation Board; and

WHEREAS, the Town of Yorktown Conservation Board has indicated that the action does not represent a significant impact; and

WHEREAS, the Town Board has received review comments from the Town of Yorktown Tree Conservation Advisory Commission; and

WHEREAS, the Town of Yorktown Tree Conservation Advisory Commission has indicated that the action does not represent a significant impact; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the number of trees greater than 6" DBH to be cut within the regulated wetland and wetland buffer area is approximately six trees per acre of regulated wetland and wetland buffer area which represents a minimal impact with no substantial loss of functional values to the regulated wetland and wetland buffer area; and

WHEREAS, a public hearing on the permit application was conducted on January 20, 2015 and was closed on January 20, 2015;

BE IT RESOLVED THAT, the following plans and documents are approved subject to the below listed conditions; and

- Town of Yorktown Wetland Permit Application WP-72-14 and attachments dated October 14, 2011 revised November 2014.
- Maps entitled, "Con Edison-Wetland Flags and Trees Loc." dated 11/18/14, 3 sheets: 3 of 7, 4 of 7 and 6 of 7.
- NYSDEC General Wetland Permit dated September 30, 2010.

BE IT FURTHER RESOLVED THAT, the Wetlands Permit is granted as a General Permit as described in Section 178-10(D) of Town of Yorktown Town Code, subject to the applicant's compliance with the following conditions:

Conditions of the Wetlands Permit

1. The approved plans shall be signed by the Town Supervisor.
2. All work associated with the Wetland Permit shall be conducted in strict compliance with the approved plans and reports
3. The applicant shall furnish the Town Engineer with an annual report detailing anticipated work to be completed each year and any deviations that are anticipated from the approved plans.
4. Prior to the commencement of work, on an annual basis, a meeting scheduled by the applicant shall be held at the site with the applicant, the applicant's contractors, a representative of Teatown Lake Reservation, and the Town Environmental Consultant. The Town shall be furnished a minimum of 5 (five) days' prior notice of the desired date of the meeting. The Town shall be contacted at 914-962-5722 x220 to schedule this meeting.
5. The applicant shall allow periodic inspections by the Town and its consultants, including annual inspections by the Town Environmental Consultant of the wetland and wetland buffer areas to document field conditions represented in the aforesaid annual report.

6. All trees to be cut shall be marked in two locations with one location at the base of the tree (stump area) and the other approximately 2'-6' above the base of the tree. The mark at the base of the tree (stump area) shall remain for inspection purposes after the tree has been cut. Trees shall not be cut or pruned prior to inspection and receipt of written authorization by the Town. The applicant shall not remove any shrub or herbaceous material other than invasive species, and shall not disturb any soil within the wetland and wetland buffer area. No herbicides are to be used within the wetland and wetland buffer.
7. The applicant shall provide proof of public notice to the Town Engineer prior to the commencement of any work.
8. The applicant shall comply with all applicable Public Service Commission requirements.
9. The applicant shall provide a bond in the amount of \$5,000.00 to the Town Engineer prior to the commencement of any work, and shall renew said bond annually for the duration of this general permit.
10. The applicant shall submit an annual fee of \$1,500.00 to the Town Engineer along with the required annual report, to cover the Town's consultant expenses for review of the report and performance of field inspections. Work shall not be conducted prior to submittal of this fee and acceptance of the report by the Town Engineer.
11. No modifications to this permit shall be permitted except as approved by the Town Board.
12. The Town Board may suspend or revoke this permit if the Town Board finds applicant has failed to comply with the terms and/or conditions of this permit.
13. The Town Board shall have the right to draw on the bond provided by the applicant to correct any condition caused by or arising from applicant's violation of the terms and/or conditions of this permit.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

ADVERTISEMENT

CREATE HUNTERBROOK SEWER DISTRICT EXT. 20  
RESOLUTION #56

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel,

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hunterbrook Sewer District Extension No. 20 in the Town of Yorktown (the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said petition, map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of sewage collection and transmission system, in connection with the Costco Wholesale store project, to be funded by Retail Store Construction Co., Inc. (RSCO) as contract vendee of certain petitioners; and

WHEREAS, the only costs to be incurred by such Extension consist of (i) its proportionate share of the District's indebtedness, which will be payable in the first instance from the annual apportionment and assessment from the several lots and parcels of land within said Extension deemed to be benefited thereby, and (ii) the cost of the buy in into the County Peekskill District, as well as the annual County Sewer District charge; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension will be paid by RSCO; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$800.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 3<sup>rd</sup> day of March, 2015, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hunterbrook Sewer District Extension No. 20, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in The Yorktown News, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

APPOINTMENT

SCOTT SAGE

RESOLUTION #57

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

RESOLVED that effective February 7<sup>th</sup>, 2015, Police Officer, Scott Sage, of Shrub Oak, New York is hereby assigned, at the discretion of the Chief of Police, as Detective in the Yorktown Police Department at an annual salary of \$109,496.00 for such period as determined by the Chief of Police.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

PAYOUT

CHERYL ALIMONTI

RESOLUTION #58

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Cheryl Alimonti the cash value of unused time as of her separation date

Rate of Pay:	\$24.1691				
Vacation	157.50 hours	x	\$24.1691	=	\$ 3,806.64
Personal Days	15.00 hours	x	\$24.1691	=	\$ 362.54
Floating Holiday	15.00 hours	x	\$24.1691	=	\$ 362.54
Longevity					
	\$1,100 / 261 days = \$4.21 per day				
	03/10/14 to 01/20/15 = 247 days				
	247 days	x	\$4.21	=	\$ 1,039.87
Total					\$ 5,571.59

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

From:  
A909.8            General Fund Reserve for Employee Accrued Benefits  
To:  
A1640.108       Public Safety Lump Sum Payments  
Amount:  
\$5,571.59

Grace, Patel, Siegel    Voting    Aye  
Resolution adopted.

PAYOUT  
PATSY PERROTTO  
RESOLUTION #59

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Patsy Perrotto the cash value of unused time and pro-rated longevity as of his retirement date

Rate of Pay:    \$ 52.4406 hourly  
                      \$ 419.52    daily

Sick	161 days	@	75%	=	120.75 days
	120.75 days	x	\$419.52	=	
	\$50,657.04				

Compensatory	1.38 hours	x	\$52.4406	=	\$ 72.37
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Personal Days	4 days	x	\$419.52	=	\$ 1,678.08
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Vacation	26 days	x	\$419.52	=	\$ 10,907.52
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Holiday Pay	.69 days	x	\$419.52	=	\$ 289.47
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Longevity					
	\$2,175 / 240 days = \$9.06 per day				
	05/02/14 to 01/15/15 = 169 days				
	169 days	x	\$9.06	=	\$ 1,531.56

Total					\$ 65,136.04
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BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:  
A909.8            General Fund Reserve for Employee Accrued Benefits

To:  
 A3120.108 Police Lump Sum Payments  
 Amount:  
 \$65,136.04

Grace, Patel, Siegel Voting Aye  
 Resolution adopted.

PAYOUT  
KEVIN SORAVILLA  
RESOLUTION #60

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Kevin Soravilla the cash value of unused time and pro-rated longevity as of his retirement date

Rate of Pay: \$ 62.3970 hourly  
 \$499.18 daily

Sick	204 days	@	75%	=	153 days
	153 days	x	\$499.18	=	\$76,374.54
Compensatory	11 hours	x	\$62.3970	=	\$ 686.37
Personal Days	4 days	x	\$499.18	=	\$ 1,996.72
Vacation	31 days	x	\$499.18	=	\$15,474.58
Holiday Pay	.58 days	x	\$499.18	=	\$ 289.53

Longevity  
 \$7,575 / 248 days = \$30.54 per day  
 01/18/14 to 01/15/15 = 247 days  
 247 days x \$30.54 = \$ 7,544.46

Total \$ 102,366.20

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

From:  
 A909.8 General Fund Reserve for Employee Accrued Benefits  
 To:  
 A3120.108 Police Lump Sum Payments  
 Amount:  
 \$102,366.20

Grace, Patel, Siegel Voting Aye  
 Resolution adopted.

BUDGET TRANSFER  
HIGHWAY DEPARTMENT  
RESOLUTION #61

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

BE IT RESOLVED, that the Comptroller is hereby authorized to transfer \$260,000 from the Highway Fund - Fund Balance to D5142.403 Highway Snow Material / Supply line for the purpose of salt / sand purchase

Grace, Patel, Siegel Voting Aye  
 Resolution adopted.

RELEASE SEWER PERMIT #7233  
ACCOUNT #A21116  
RESOLUTION #62

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

WHEREAS, David Miller as applicant, posted check #3416 in the amount of \$50 which was deposited 1/6/14 into the A2116 account to serve as the application fee for Sewer Permit #7233, and

WHEREAS, the applicant has requested his money be returned as the job is not proceeding, NOW, THERFORE BE IT

RESOLVED, that the applicant's money be and is hereby released to: Mr. David Miller, Local Guy Plumbing, 3 Finch Lane, Lake Peekskill, NY 10537.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

RELEASE T76 ESCROW PERMIT  
RESOLUTION #63

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

As part of the Town of Yorktown's Stormwater Pollution Prevention Permit and Wetland Permit Application process, escrow monies are taken for the inspection services.

WHEREAS, the work associated with each permit listed has been completed and, and

WHEREAS, the escrow monies were deposited into the T76 account,

WHEREAS, each permit's accompanying remaining escrow amounts are listed below and can be released back to each permits applicant,

WP022-06	\$18.75
WP039-08	\$12.50
WP045-09	\$18.75
WP046-10	\$12.50
WP023-11	\$12.50
WP030-11	\$12.50
T/B/SWPPP	\$12.50
WP045-11	\$12.50
WP046-11	\$12.50
WP/T/BSWPPP044-11	\$25.00
B/SWPPP051-11	\$12.50
WP052-11	\$12.50
WP059-11	\$12.50
WP071-11	\$12.50
WP077-11	\$12.50
WP079-11	\$12.50, NOW,

THEREFORE be it RESOLVED, that the above-described monies are hereby released to each applicant that is on record for posting the escrow fees for each permit.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH SUNGARD PUBLIC  
SECTOR INC.  
RESOLUTION #64

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,



RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with SunGard Public Sector, Inc. for a renewal maintenance contract and support services for the Yorktown Police Department's productivity software from February 1, 2015 through January 31, 2016. The annual renewal fee is \$57,098.18.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A RENEWAL AGREEMENT WITH AHA CONSULTING, INC.  
RESOLUTION #65

Upon motion made by Councilman Patel, seconded by Councilwoman Siegel,

BE IT HEREBY RESOLVED, that the Town Supervisor is authorized to sign a Renewal Agreement with AHA Consulting, Inc. for a one year period to be made in one annual payment of \$3,000 due by January 30, 2015.

Grace, Patel, Siegel Voting Aye  
Resolution adopted.

DECISION  
CONVALESCENT HOME  
482 UNDERHILL AVENUE

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.

Supervisor Grace, members of the Town Board, Town Attorney Jeannette Koster, Mr. Robert Davis, the attorney for the applicant and Al French representing nearby homeowners spoke about the vote that was taken on this issue two weeks ago.

ADJOURN

Upon motion made by Supervisor Grace, seconded Councilwoman by Siegel, The Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown