

Meeting of the Town Board, Town of Yorktown held on April 14, 2015
at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Susan M. Siegel, Councilwoman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman

Also present: Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney
Patricia Caporale, Town Comptroller
Mary Capoccia, Executive Assistant

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order

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.

SPECTRA ENERGY/ALGONQUIN GAS TRANSMISSION

Mr. Christian DePalermo and other representatives from Spectra Energy were present to give an update to the Town Board regarding its AIM, Atlantic Bridge Project and Junior Lake Mitigation Projects. Several written questions as well as questions from the Town Board were received and answered by Spectra. A copy of the written questions asked at the Town Board meeting, are on file in the Town Clerk's Office.

Supervisor Grace stated that there will be a scoping session held by FERC on May 11, 2015 at the Yorktown Community Cultural Center.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss litigation. Upon motion made by Supervisor Grace, seconded by Councilman Bernard, to move out of Executive Session and proceeded with the Town Board meeting.

SETTLE TAX CERTIORARI STRANG BLVD. SECTION 16.12, BLOCK 1, LOT 21
RESOLUTION #137

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.12 Block 1, Lot 21, located at Strang Blvd, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.12-1-21, Account Number 1883500, owned by Jefferson Woods Associates LLC, for assessment roll years 2009, 2010, 2011, 2012, 2013 and 2014, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2009	140,750	123,200	17,550
2010	140,750	140,750	0
2011	140,750	140,750	0
2012	140,750	140,750	0
2013	140,750	140,750	0
2014	140,750	140,750	0

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

SETTLE TAX CERTIORARI 3525 CROMPOND ROAD, SECTION 36.05, BLOCK 1, LOT 13
RESOLUTION #138

Upon motion made by Supervisor Grace, seconded by Councilman Patel,
WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 36.05 Block 1, Lot 13, located at 3525 Crompond Road, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.14-2-67, Account Number 0999500, owned by 3525 Crompond Road LLC (formerly owned by David-Joan LLC), for assessment roll years 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2008	50000	36650	13350
2009	36650	36650	0
2010	36650	36650	0
2011	36650	29250	7400

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

REQUEST FOR A WETLANDS PERMIT
3187 OLD YORKTOWN ROAD
RESOLUTION #139

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

RESOLVED, that the Town Board is in receipt of a Wetlands Application filed by Savino Gallinelli, the owner of property located at 3187 Old Yorktown Road.

NOW, THEREFORE BE IT RESOLVED that this application is being forwarded to the Town Engineer for review and the issuance of an Administrative Wetlands Permit.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

REQUEST TO WAIVE FEES FOR USE OF YCCC – SPARC
RESOLUTION #140

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

Resolved, that the Town Board waives the rent fee of \$1,795.43 for use of rooms at the YCCC by SPARC from April through July 2015.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

REQUEST FOR TRANSITIONAL ZONING CONSIDERATION FROM WILLIAM
PRIMAVERA - HICKORY STREET

Mr. Dan Ciarcia, engineer for applicant, and Mr. Bill Primavera were present to discuss with the Town Board their request to rezone his property on Hickory Street. Mr. Primavera stated that his PR business has grown and he would like to be able to rezone his property which is surrounded by commercial establishments to Country Commercial or Transitional, this will allow him to better utilize his home for his business which he is currently allowed to do.

Supervisor Grace stated that a Transitional Zone would preserve this house better than Country Commercial. The house is historic and he does not want someone to be able to just demolish it.

Councilman Bernard stated that Mr. Primavera should begin by putting in a formal petition to rezone his property along with the appropriate plans and fees to the Town Clerk. The Town Board would then review the request and decide whether it wants to move the rezoning forward or not based on the information provided.

WATER DEPARTMENT UPDATE FROM DAVID RAMBO WATER DISTRIBUTION SUPERINTENDENT

Water Distribution Superintendent David Rambo was present to discuss with the Town Board several water projects to be completed during the year. He updated the Town Board on cement lining projects on Front Street, Strawberry Road and Baldwin Road. He stated that this would be a 1.6 million dollar project and approximately \$80,000.00 would be for Engineering Services. Mr. Rambo requested to place a backhoe which is several years old on Auctions International, Inc. to sell to the highest bidder.

Supervisor Grace stated that this is the backhoe that the Parks Department was interested in purchasing from the Water Department. Mr. Rambo stated that it is.

Supervisor Grace stated that he has no problem putting it out to auction to see what kind of price it gets. After the bids come back the Town Board will review them before it is sold.

Mr. Rambo requested to hire a part-time cleaner for the Water Department Building. Supervisor Grace stated that Water Department staff can clean the building. Additional staff is not needed.

Water Distribution Superintendent Rambo stated that he would like to go out to bid on the roof replacement for the Water Department's brick building and for Water Maintenance Materials. The Town Board agreed to place this on the next agenda.

APPROVE COMPTROLLER TO TRANSFER FUNDS FOR RETIREMENT PAYOUT RESOLUTION #141

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Thomas Federmack the cash value of unused time as of his retirement date

Rate of Pay: \$39.8672

Sick	1500.00 hours @	50%	=	750.00 hours	
	750.00 hours x	\$39.8672	=	\$29,900.40	
Vacation	143.00 hoursx	\$39.8672	=	\$ 5,701.01	
Personal Days	.50 hours x	\$39.8672	=	\$ 19.94	
Floating Holiday	7.50 hours x	\$39.8672	=	\$ 299.00	
Longevity					
	\$1,400 / 261 days = \$5.36 per day				
	02/27/15 to 03/30/15 = 22 days				
	22 days	x	\$5.36	=	\$ 117.92
	Total			=	\$36,038.72

BE IT FURTHER RESOLED, 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:

A1630.108 Building Maintenance Lump Sum Payments

Amount:

\$36,038.72

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFERS TO CLOSE OUT CAPITAL PROJECTS
RESOLUTION #142

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED, that the Town Board authorizes the Budget Transfers listed below to close the following Capital Projects:

HA – Granite Knolls Ball Field (last activity 2013)
From: A .909.6 Fund Balance Ball Field Reserve \$ 6,200.00
To: HA.200 Cash

HD – Sewer Plant Improvements (last activity 2005)
From: HD.200 Cash \$139,137.50
To: YS.200 Cash

HE – Route 118 Sidewalks II (last activity 2009)
From: HE.200 Cash \$ 61,136.98
To: A .200 Cash

HF - Veterans Road Sidewalk (last activity 2009)
From: A .200 Cash \$ 4,250.00
To: HF.200 Cash

HJ – Junior Lake Dredging / Repair (last activity 2005)
From: HJ.200 Cash \$ 54,864.65
To: A. 200 Cash
From: T33.6 Jr Lake/Post Office \$70,972.47
To: A.200 Cash

HO – Comprehensive Plan Study (last activity 2011)
From: A. 200 Cash \$ 3,344.64
To: HO.200 Cash

HP – Bonnie & Jill Sewer (last activity 2005)
From: HP.605 Retainage \$ 6,947.58
To: HP.909 Fund Balance

HQ – Mohegan West Sewer (last activity 2003)
From: HQ.605 Retainage \$ 3,286.39
To: HQ.909 Fund Balance

JC – Trailway Improvements (last activity 2008)
From: JC.200 Cash \$42,700
To: A .200 Cash

JJ – Railroad Park Rehabilitation (last activity 2008)
From: JJ.200 Cash \$22,051.53
To: A.200 Cash

JL – NYC DEP Upgrade (last activity 2009)
From: YS.200 Cash \$209,486.95
To: JL. 200 Cash

JN – Patriot Garden (last activity 2010)
From: JN.200 Cash \$ 10,603.66
To: A .200 Cash

JR – Ball Field Improvements (last activity 2006)
From: JR.200 Cash \$ 6,695.00
To: A.200 Cash

JY2 – JV Sidewalks/E Main Street (last activity 2010)

From: SR909 Fund Balance
To: SR909.8 Fund Balance for Accrued Employee Benefits
Amount: \$ 4,790.90

Water
From: SW909 Fund Balance
To: SW909.8 Fund Balance for Accrued Employee Benefits
Amount: \$ 8,852.73

Sewer
From: YS909 Fund Balance
To: YS909.8 Fund Balance for Accrued Employee Benefits
Amount: \$18,460.80

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

MISCELLANEOUS RESOLUTIONS – APRIL 21, 2015 AGENDA

The Town Board reviewed resolutions to be placed on the next agenda.

DISCUSSION ON ZONING CODE ADMENDMENT WITH REGARDS TO DEFINITION OF FAMILY

Councilwoman Siegel stated that she would like to amend the Zoning Code relating to the definition of Family.

Supervisor Grace stated that he does not have a problem with the current code's definition of Family.

Town Attorney Jeannette Koster stated that she would prefer to give legal advice to the Town Board regarding this issue in a closed session. The Town Board asked that she continue the discussion in open session. The Town Board asked the Town Attorney to draft a memo regarding this issue. Town Attorney Koster stated that it would take approximately a month to draft the memo.

USE OF PA SYSTEM AT WORK SESSIONS

Councilwoman Siegel asked the Town Board if they would consider using microphones during work sessions.

Supervisor Grace stated that he would look into it.

ADJOURN

Upon motion made by Councilman Patel, seconded by Councilman Bernard, The Town Board Meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown