

Meeting of the Town Board, Town of Yorktown held on May 5, 2015 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598

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  
John Tegeder, Planning Director

#### 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.

#### DURING REPORTS FROM TOWN SUPERVISOR,

Supervisor Grace thanked everyone for their efforts to make Arbor Day a success. A New York Sugar Maple was planted in honor and memory of Lorraine DeSisto, who served as the Town's Assistant Planner for many years. He spoke about the Trees for Tribes Project where 25 trees and saplings were planted over the weekend at Sylvan Glen Park Preserve. He announced that there will be a Scoping Session for the Atlantic Bridge Project held by FERC on May 11, 2015 at 6:30 PM, at the Yorktown Cultural Community Center. He also announced that the Town is going to be filling open spots on the Town's Volunteer Committees, Commissions and Boards anyone interested should send a letter of interest to Mary Capoccia at [mary@yorktownny.org](mailto:mary@yorktownny.org).

#### REPORTS FROM THE TOWN COUNCIL

Councilman Patel stated that Arbor Day was a wonderful event. He attended a ribbon cutting ceremony for the Math Learning Center which just opened in the Triangle Shopping Center. He thanked many people that help and work with seniors and everyone in need. He also asked everyone to be careful, the land is very dry and there have been many brush fires.

Councilwoman Siegel spoke about the FERC Scoping Hearing scheduled for May 11, 2015 at 6:30 P.M. She stated that anyone interested in serving on a volunteer board should contact the Town. She also spoke about grant programs.

Councilman Diana stated that the 2<sup>nd</sup> Heroin Task Force meeting was well received, Senator Murphy co-chairs this task force and they are currently working on a website with information regarding this issue. Councilman Diana stated that he participated in the Trees for Tribes Program at Sylvan Glen Park last Saturday. Over 25 trees and saplings were planted by turtle pond and he thanked the Tree Conservation Advisory Commission and Deputy Town Clerk Diana Quast for helping with this project. Councilman Diana wanted to inform everyone of a scam regarding credit cards, do not give anyone your personal information over the phone, hang up and call your bank right away if someone calls you stating they are from your credit card company.

Supervisor Grace stated that the Town is the recipient of an Earth Day Award from Westchester County for the Textile Recovery Program instituted by the Refuse and Recycling Department, Yorktown is the only municipality to have this type of program.

DURING COURTESY OF THE FLOOR, There was no public comment.

ADVERTISE PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING  
CHAPTER 275 RELATING TO ADDING STOP SIGN AT THE INTERSECTION OF  
MCKEEL STREET AND RUTLEDGE DRIVE  
RESOLUTION #170

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

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 on the 2<sup>nd</sup> day of June, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article I, entitled "Traffic and Parking Regulations," adding a full stop at Rutledge Drive, at the northeast corner of the intersection with McKeel Street.

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

ADVERTISE PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING  
CHAPTER 275 RELATING TO NO PARKING SIGNS ON VETERANS ROAD  
RESOLUTION #171

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

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 on the 2<sup>nd</sup> day of June, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275-4A of the Code of the Town of Yorktown pertaining to the limitations on parking on Veterans Road follows:

Veterans Road, both sides, between Commerce Street and Downing Drive.

Veterans Road, north side, from its intersection with Commerce Street easterly a distance 150 feet.

Veterans Road, south side, from its intersection with Commerce Street easterly a distance of 200 feet.

Veterans Road, north side, from its intersection with Maple Hill Street westerly a distance of 175 feet.

Veterans Road, north side, from its intersection with Maple Hill Street easterly a distance of 75 feet.

Veterans Road, south side, from the pedestrian front entrance of 225 Veterans Road easterly a distance of 160 feet.

Veterans Road, both sides, from its intersection with Greenwood Street westerly 280 feet.

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

ADVERTISE PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING  
CHAPTER 275 RELATING TO NO PARKING (EAST MAIN STREET AND WOOD  
STREET)  
RESOLUTION #172

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

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 on the 2<sup>nd</sup> day of June, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275 of the Code of the

Town of Yorktown entitled “VEHICLES AND TRAFFIC,” Article I, entitled “Traffic and Parking Regulations,” restricting parking on East Main Street and Wood Street.

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

ADVERTISE PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING  
CHAPTER 300 PARKING REGULATIONS IN A COMMERCIAL DISTRICT  
RESOLUTION #173

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

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 on the 2<sup>nd</sup> day of June, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Article XIX, Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” to repeal a provision of Local Law No. 1 of 2013 pertaining to parking requirements in Commercial (C) Districts as follows:

Section V of Local Law No. 1 of 2013, enacted on January 8, 2013, setting forth an exception to that local law (which amended Sections 300-182 and 300-186), is hereby repealed.

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

APPOINT ASSISTAN PLANNER  
THOMAS J. D’AGOSTINO – PLANNING DEPARTMENT  
RESOLUTION #174

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

BE IT RESOLVED, that Thomas J. D’Agostino of Cortlandt Manor, NY, is hereby appointed Assistant Planner (Planning), job class code 0406-01, from eligible list #63-235, effective June 8th, 2015, to be paid from Yorktown CSEA Salary Schedule A1, Group 11, Step 1 \$57,469.00 annually,

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Thomas J. D’Agostino will report to work at the Yorktown Planning Department on June 8th, 2015, and this date will be used as the first date of appointment,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 8th, 2015.

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

EXTEND BID WITH ENVIROTEST LABORATORIES, INC. FOR THE WATER  
POLLUTION CONTROL PLANT – BID #13-01  
RESOLUTION #175

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

WHEREAS, the Town Board at its meeting of May 6, 2014, extended the bid for Laboratory Services to EnviroTest Laboratories, Inc., for the Water Pollution Control Plant, Bid #13-01, and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of three (3) years, and

WHEREAS, the Town intends to extend this bid for the third and final renewal, NOW, THEREFORE, BE IT,

RESOLVED, that the Laboratory Services (EnviroTest Laboratories, Inc.) for the Water Pollution Control Plant, Bid #13-01, is hereby extended for a one year period (5/13/15 to 5/12/16).

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

AUTHORIZE CONFERENCE ATTENDANCE FOR MARGARET GSPURNING, HUMAN RESOURCES SPECIALIST TO THE STATEWIDE LABOR, EMPLOYMENT & HR CONFERENCE IN NYC, NEW YORK  
RESOLUTION #176

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

WHEREAS the Human Resources Specialist has requested permission to attend a Statewide Labor, Employment & HR Conference in New York City, NY on May 14<sup>th</sup>, 2015, WHEREAS the cost of the conference is \$175.00;

WHEREAS the Human Resources Specialist, Margaret Gspurning, has deemed it beneficial to the Town to attend this conference, now

THEREFORE BE IT RESOLVED, that Margaret Gspurning has permission to attend the Statewide Labor, Employment & HR Conference in New York City, NY on May 14<sup>th</sup>, 2015 and the \$175.00 expense to be paid by the Town.

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

EXTEND BID FOR ANNUAL HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICE AND MAINTENANCE CONTRACT  
RESOLUTION #177

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

RESOLVED, that the Annual Heating, Ventilation and Air Conditioning (HVAC) Service and Maintenance Contract for the Town of Yorktown be hereby extended for one year per the terms of the bid agreement to HRR Industries, Inc. 586A North Main Street, Suite 206, Brewster, NY 10509. The date of the extension will be from October 28, 2014 through October 29, 2015.

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

AUTHORIZE BUDGET TRANSFER  
RESOLUTION #178

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

BE IT RESOLVED, the following budget transfer in the Town Attorney's 2015 budget is hereby authorized:

\$10,000.00 from A1420.0424.0000 (Tax Cert Retainer) to A.1420.0437.0000 (Foreclosure/Sale Expenses)

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

AUTHORIZE EMERGENCY REPAIR FOR BAPTIST CHURCH ROAD  
RESOLUTION #179

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

WHEREAS, a section of Baptist Church Road was declared an emergency condition by the Town Board on April 28, 2015; and

WHEREAS, the Town Acting Engineer has obtained a cost estimate from WSP Sells, the engineering firm the Town has engaged to oversee the design work on rehabilitating Baptist Church Road culverts at that location, for emergency repair work to be performed on an emergency basis of approximately \$635,000;

NOW THEREFORE, be it resolved, the Town Board hereby declares Town Board authorizes expenditure of up to \$635,000 for the emergency repair work, and authorizes the Acting Town Engineer to work with the Highway Superintendent to procure a contract without competitive bidding under the emergency provisions of General Municipal Law § 103 and the Town's procurement policy for the performance of the emergency repair work, and further authorizes the Town Supervisor to sign an agreement with the contractor so procured.

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

#### MONTHLY REPORTS

The Town Board accepted the following Monthly Reports:

Building Construction report – April 2015  
Receiver of Taxes – April 2015

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

Mr. Ed Ciffone spoke about property on Broad Street, Depot Square and bonding money.

Mr. William Primavera spoke about Depot Square and believes this improvement would revitalize downtown.

#### COURTESY OF THE FLOOR WAS CLOSED

Councilwoman Siegel stated that she agrees that some of the bonding should have been just paid for out of the general fund.

Supervisor Grace stated that the town has been proactive in using the fund balance to pay for Capital Projects and Improvements. We have tightened our belts until the pools were paid off this year and can now bond to have many improvements that are needed done.

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the televised portion of the meeting was ended and the Town Board proceeded with a work session.

The Town Board discussed many issues with regards to the AIM and Atlantic Bridge Projects and asked Bruce Barber, Environmental Consultant to draft comments to be sent to the Federal Energy Regulatory Commission.

#### ADJOURN

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

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown