

The Town Board's meeting officially begins at 6:45PM. The Televised portion of the meeting begins at 7:30PM

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
May 19, 2015

PLACE:
TOWN HALL

TIME:
7:30pm

1. PLEDGE OF ALLEGIANCE – Debra Mangiafridda
Girl Scout Troop 2066
2. MOMENT OF SILENCE
3. SUPERVISOR GRACE'S REPORT TO THE TOWN
4. REPORTS FROM THE TOWN COUNCIL
5. PRESENTATION – Rideconnect
Marietta C. Manoni

- Yorktown Trail Town Committee
Mark Linehan
6. COURTESY OF THE FLOOR
7. PERSONNEL

Appointments:

Nicholas J. DeVito

BE IT RESOLVED, that Nicholas J. DeVito of Yorktown Heights, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective May 26th, 2015 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,841.00 annually;

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

BE IT RESOLVED, that Nicholas J. DeVito will report to work at the Highway Department on May 26th, 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 May 26th, 2015.

Michael Battista

BE IT RESOLVED, that Michael Battista of Shrub Oak, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective June 8th, 2015 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,841.00 annually;

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

BE IT RESOLVED, that Michael Battista will report to work at the Highway 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.

8. AWARD BID
Transportation Services for Camp Buses (See Attachment #1)

9. RESOLUTIONS

Request from the Assessor:

Authorize attendance at seminar:

Whereas, sufficient funds exist in the Assessor Training line to cover the cost of expenses, including lodging and seminar

Be It Resolved that Kim Penner has permission to attend the 2015 Cornell Seminar on Appraising to be held at Cornell University, Ithaca, NY from July 12, 2015 through July 17, 2015 with use of a town vehicle.

Requests from the Engineering Department:

Bond & Fee Acceptance:

WHEREAS, Con Edison, as Principal, provided the Town with Travelers Casualty & Surety Company of America, Bond #103426454, in the amount of \$5000.00, to serve as the Compliance Bond for Town Board Wetland Permit #078-14, and

WHEREAS, Con Edison, as applicant, provided the Town with Check #0000485519 in the amount of \$1,500.00, to serve as the annual escrow fee, and

WHEREAS, Con Edison, as applicant, provided the Town with Check #0000486661, in the amount of \$850.00, to serve as additional requested escrow fee, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced permit.

Bond Release:

WHEREAS, Paul & Margherita Fraioli, as applicant, posted check #3614 in the amount of \$300 which was deposited into the T33 account on July 3, 2014, to serve as the Erosion Control Bond for Wetland Permit #WP-032-14, for work performed at his Columbine Court 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 above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced Erosion Control Bond be released to Mr. & Mrs. Paul Fraioli, 268 Columbine Court, Yorktown Heights, NY 10598.

Request from the Finance Department:

Approve budget transfer:

Be it resolved that the Comptroller is hereby authorized to process the following budget transfers:

From:	A8020.101	Planning Salary
To:	A1440.490	Engineering Professional Services
Amount:	\$20,000	

From:	A1220.101	Supervisor Salary
To:	A1440.490	Engineering Professional Services
Amount:	\$20,000	

Town Board Requests:

Mohegan Lake Improvement District – Request for wetlands permit (See Attachment #2)

Field Home – Sales Office:

Approve Temporary Certificate of Occupancy – Field Home

RESOLVED, that, pursuant to Section 300-19 of the Code of the Town of Yorktown, good cause having been shown by the applicant, Field Home-Holy Comforter, the Town Board hereby approves an extension of its July 17, 2012 approval to construct and maintain a temporary sales building in connection with construction for a senior

living residence located at 2300 Catherine Street. This extension approval is retroactive to July 17, 2013, and shall expire on July 16, 2016. This approval is subject to the \$1,000 cash bond posted to the Town Clerk in 2012 continuing to be held by the Town, and to the applicant's compliance with all applicable laws and rules.

FURTHER RESOLVED, that this approval may be renewed by application to the Town Board within forty-five days before its expiration date.

Spectra Energy License Agreement
Approve Agreement

RESOLVED, that the Town Supervisor is hereby authorized to sign a license agreement with Algonquin Gas Transmission, LLC, for access to and use of 7.5 acres of temporary workspace in Sylvan Glen Park Preserve and Granite Knolls Park West (tax map numbers: 25.20-1-8, 25.16-1-25, 26.13-1-1, 26.13-1-1.1 in Sylvan Glen Park Preserve, and 26.09-1-22 in Granite Knolls Park West), for a period of eleven (11) months as shown on drawings submitted by Algonquin and on file with the Town Clerk, for purposes of construction of the AIM Project pipeline as approved by the Federal Energy Regulatory Commission on March 3, 2015 (Case No. CP14-96), and for access to and post-construction monitoring and, to the extent necessary, restoration of such area for a period of five (5) years commencing completion of construction, in consideration of a license fee in the amount of \$ _____ to be paid within 30 days after execution of the agreement.

Authorize the Supervisor to sign an agreement with Ryan Law Group:

WHEREAS, the Town Board and Planning Board are named as Respondents/Defendants in the hybrid Article 78 and plenary action entitled *Yorktown Smart Growth, et al. v. Town of Yorktown, et al.*, State Supreme Court, Westchester County, Index No. 1880-15, which action challenges various approvals in separate land use approval proceedings concerning BJ's Wholesale Club's existing site and the Costco development site; be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with the law firm Ryan Law Group LLC to provide legal consultation services on an as-needed basis to the Town Attorney, at the hourly rate set forth in the retainer agreement with said law firm for SEQR legal review on the Costco development project, and an agreement with the law firm McCarthy Fingar LLP to provide legal consultation services on an as-needed basis to the Town Attorney, at the hourly rate set forth in a retainer agreement with said firm, in connection with the Town Attorney's defense of the above-named action.

Authorize a "de minimus" taking of property on Baptist Church Road

10 REFUNDS
Duplicate Taxes:

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund

\$31,088.85 for duplicate Town/County tax payments to Corelogic for the following accounts: 2218337, 48500, 541622, 295060, 1123050, 279540, 4809500, 4759250.

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund \$9,419.00 for duplicate Town/County tax payments to Wells Fargo for the following accounts: 115200, 1791500

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund \$356.85 for duplicate Town/County tax payments to Account #4719000

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund \$73.13 for duplicate Town/County tax payments to Old Yorktown Village c/o Heritage Management

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund \$2,587.46 for duplicate Town/County tax payments to Celinek Reverse Mortgage c/o Industry Consulting Group.

11. MONTHLY REPORTS

12. ADJOURN

Alice E. Roker, Town Clerk
Town of Yorktown

Dated: May 19, 2015

Attachment #1 – Camp Bus Bid

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on April 24, 2015, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$13,340.00 (2 buses)
2	Baumann & Sons Buses, Inc.	\$13,293.54 (2 buses)
3	Hudson Valley Transportation	No Bid

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$1,035.00
2	Baumann & Sons Buses, Inc.	\$1,380.00
3	Hudson Valley Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. A. (School Buses for Swimming Program) and Section I. B (School Buses for Extended Day Program) be combined and is hereby awarded to Royal Coach Lines, Inc. the lowest responsible bidder.

Section I. C (School Buses for Trips 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16, 18, 20)

1	Baumann & Sons Buses, Inc.	\$11,495.00
2	Royal Coach Lines, Inc.	\$11,539.00
3	Hudson Valley Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. C (School Buses for Trips 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16, 18, 20) be and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

Section II (Coach Buses for Trips 1, 2, 4, 6, 7)

	COMPANY	BID
1	Hudson Valley Transportation	\$14,400.00
2	Baumann & Sons Buses, Inc.	\$17,820.00
3	Royal Coach Lines, Inc.	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section II. (Coach Buses for Trips) be and is hereby awarded to Hudson Valley Transportation the lowest responsible bidder.

AND BE IT FURTHER

RESOLVED, the results of sections I.A. and I.B., is hereby awarded to Royal Coach Lines. Inc., the results of sections I.C., is hereby awarded to Baumann & Sons Buses, Inc. and Section II, is hereby awarded to Hudson Valley Transportation and will amount to approximately: (please note – trips may change due to scheduling changes/conflicts/weather etc. Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) and Section I.B (1 bus) to Royal Coach Lines, Inc. = \$14,375.00
Section I.C to Baumann & Sons Buses, Inc = \$11,495.00
Section II to Hudson Valley Transportation = \$14,400.00

Attachment #2 – Mohegan Improvement District Wetlands Permit

TOWN OF YORKTOWN MOHEGAN LAKE IMPROVEMENT DISTRICT
AMENDED WETLAND PERMIT WP-057-12
TOWN OF YORKTOWN, NEW YORK

LOCATION: Mohegan Lake, Town of Yorktown, NY

WHEREAS, the applicant, Lake Mohegan Improvement District, received a general wetland permit from the Town of Yorktown Town Board on September 18, 2012, and

WHEREAS, the applicant, in support of the general wetland permit submitted a lake management plan dated July 9, 2012 which provides details of the activities that are proposed to improve the lake and the surrounding wetlands, and

WHEREAS, Lake Mohegan has experienced excessive growth of blue-green algae since the lake management plan was completed and the general wetland permit granted, and

WHEREAS, the excessive growth of blue-green algae in Lake Mohegan has resulted in the introduction of toxins into the lake resulting in beach closures in 2012, 2013 and 2014 as mandated by the Westchester County Department of Health, and

WHEREAS, as it is not possible to prevent contact with these toxins by people and pets who may frequent the lake, a potential health hazard exists, and

WHEREAS, the applicant sought all cost effective mechanisms in an attempt to control the blue-green algae growth, and

WHEREAS, the applicant has determined that the use of copper sulfate is the appropriate method to be used in order to selectively treat areas of the lake that total approximately 50 acres, and

WHEREAS, the Mohegan Lake Improvement District has submitted a Town of Yorktown wetland permit application dated April 10, 2015 in which the wetland permit application requests an amendment to the previously issued Town of Yorktown general wetland permit dated September 18, 2012 in order to apply

copper sulfate to select areas Lake Mohegan Lake comprising approximately 50 acres, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form dated April 10, 2015, executed by Kenneth Belfer, President of the Lake Mohegan Improvement District, and

WHEREAS, the applicant has submitted a report entitled, "Project Narrative for Lake Mohegan Algae Control Program, 11 total pages, and

WHEREAS, the applicant has submitted a report executed by Fred S. Lubnow, PhD., of Princeton Hydro, dated April 6, 2015, 3 pages, and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on May 19, 2015, and

WHEREAS, the Town Board recognizes that there are certain potential adverse impacts of lake treatment with copper sulfate among which include reduction in beneficial lake bacteria and benthic organisms and potential increased cost of future dredging, and

WHEREAS, the Town Board has considered the potential adverse impacts as well as the potential health hazards due to exposure to blue-green algae toxins as well as the beach closures and overall reduction in lake utility and enjoyment to town residents and,

WHEREAS, having reviewed all reports and information submitted by the applicant, the Town Board finds that any adverse impacts to Lake Mohegan due to lake treatment with copper sulfate will be controlled and mitigated to the greatest extent practicable and the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action and determined they will not have a significant negative impact on the environment; and

WHEREAS, a public hearing on the amended permit application was waived on May 19, 2015

NOW THEREFORE BE IT RESOLVED THAT, the Town Board amends wetland permit WP-057-12 to include the application of copper sulfate to Lake Mohegan with the following conditions:

- The use of copper sulfate in Lake Mohegan is permitted for the 2015 season only. Future use of copper sulfate will require review

and approval by the Town Engineer prior to any applications.

- Application will be done at a distance at least one-half mile from outflow on Mohegan Avenue. All parties must be notified along the outflow stream within the half mile from the lake. There will be a 24 hour restriction for drawing drinking water within this area after the application of copper sulfate. Application will only be done in areas 12' deep or greater.
- Prior to the use of copper sulfate, the applicant will secure a NYSDEC permit and WCDOH permit as applicable and completely follow all conditions of the permit(s).
- The Town Engineer must be contacted no less than seven days prior to the application of the copper sulfate. The Town Engineer may add additional conditions to this permit as determined to be appropriate.
- Any and all prior conditions of the Town of Yorktown general wetland permit WP-#057-12 dated September 18, 2015 shall remain in full force and effect.