

Meeting of the Town Board, Town of Yorktown held on August 11, 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: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
David Rambo, Water Distribution Superintendent  
Bruce Barber, Environmental Consultant  
John Tegeder, Planning Director  
John Winter, Building Inspector  
Patricia Caporale, Town Comptroller

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss various issues including litigation and the employment of a particular person.

Upon motion made by Councilman Bernard, seconded by Councilman Diana the Town Board moved out of Executive Session and proceeded with the meeting.

#### JEFFERSON VALLEY MALL

Mr. Albert Capellini, attorney for the Mall as well as the development team provided the Town Board with update on the progress of their work.

#### WATER METER PROJECT, ON LINE AUCTION COMPANY, BUDGET TRANSFERS

Water Distribution Superintendent David Rambo updated the Town Board on projects that his department is working on including the Water Meter Project and the Cement Lining Project.

#### BUDGET TRANSFER- WATER DEPARTMENT RESOLUTION #331

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfers:

Transfer \$25,000 from the Water Department Fluoride (SW8340.483.5) to the Water Department Materials and Supplies Line (SW.8340.0403) for the purchase of water valves and miscellaneous materials and supplies for the distribution system.

Transfer \$25,000 from the Water Department Special Projects Meters (SW.8340.0483.0006) to the Water Department Transmission Overtime line (SW.8340.0105) for scheduled and emergency overtime for the remainder of 2015.

Transfer \$11,000 from the Water Department Special Projects Meters (SW.8340.0483.0006) to the Water Department Equipment-Hydrants line (SW.8340.0201.0001) for the purchase of five (5) fire hydrants for stock.

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

AUCTION VENDOR – ABSOLUTE AUCTIONS AND REALTY INC.  
RESOLUTION #332

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

BE IT RESOLVED, the Town Supervisor is authorized to sign an agreement with Absolute Auctions and Realty Inc. of Pleasant Valley, NY to sell surplus Town vehicles and equipment at an online auction which includes taking photographs of vehicles and equipment and preparing condition reports of the Town's items to be auctioned, all at no cost to the Town.

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

YCCC FIELD

Patricia McKechnie followed up on her correspondence with members of the Town Board on her concern of allowing dogs to be on the playing field behind the Yorktown Community and Cultural Center. Ms. McKechnie spoke about problems with dogs attacking children and/or other dogs. She also spoke about dog owners who allow their dogs to go to the bathroom on the ball field. Representatives of the Yorktown Youth Soccer Committee also expressed concern stating that this is the one ball field that the club has.

Following a discussion, in which the members of the Board talked about a number of ideas including but not limited to banning dogs at that particular ball field, a possible ban of dogs from active playing fields at all of the Town's Parks, Town Supervisor Grace stated that he would have the Town Attorney write up a proposal.

APPROVE AIM/SPECTRA ENERGY PIPELINE PROJECT SWPPP

Environmental Consultant Bruce Barber stated that his review of the SWPPP for this portion of the Spectra Energy Pipeline Project is complete. If changes are made to the plan, an amendment would have to be filed and the Board would have the ability to respond.

AUTHORIZE THE SUPERVISOR TO SIGN  
THE COMPLETED SWPPP FORM  
RESOLUTION # 333

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

WHEREAS, the Town Board reviewed the Stormwater Pollution Prevention Plan for the Algonquin Incremental Market Project and submitted comments to Algonquin Gas Transmission, LLC. (the applicant) dated May 19, 2015, and

WHEREAS, the applicant has addressed the comments in a revised Stormwater Pollution Prevention Plan dated July 16, 2015,

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor acting as the Town Stormwater Management Officer to execute the Stormwater MS4 Acceptance Form for the AIM Stormwater Pollution Prevention Plan dated July 16, 2015.

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

REFERRAL IN REM PARCELS  
RESOLUTION #334

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

WHEREAS, the Yorktown Town Board has taken properties in rem and,

WHEREAS, the Town Board seeks comments from interested agencies regarding the proposed sale of these parcels, therefore be it

RESOLVED, that the Town Clerk is hereby authorized to refer the following list of properties to the appropriate local agencies for their review and recommendations, and

BE IT FURTHER RESOLVED that the comments and recommendations relating to the sale of these properties be forwarded to the Town Clerk on or before September 7, 2015,

Tax Parcel ID	Property Location
15.15- 1-9	1721 Clover Road
15.15- 1-10	1725 Clover Road
15.16-1-35	1717 Clover Road
15.16-1-36	1719 Clover Road
16.9-1-5	3560 Fenimore Avenue
16.9-1-6	1448 Crossways Rd.
16.9-1-12	Delaware Road
16.14-1-24	James Street
27.18-2-1	Dunning Drive
37.15-2-14	81 Upland Road

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA).

To:

Assessor  
Building Inspector  
Highway Department  
Planning Department  
Town Attorney  
Town Engineer  
Water Department  
Receiver of Taxes  
Open Space Committee  
Conservation Board  
File

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

#### 1829 FRENCH HILL ROAD

Town Attorney Koster explained that the movers who performed the eviction at 1829 French Hill Road had to do more work at the location than expected.

#### APPROVE ADDITIONAL FUNDS FOR MOVEOURSTUFF RESOLUTION # 335

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

RESOLVED, the Town Board hereby authorizes the Town Comptroller to pay MoveOurStuff.com \$2,700.00 for additional work performed by the contractor necessitated by conditions discovered at the property during the eviction at 1829 French Hill Road on July 14, 2015.

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

#### ETHICS LAW

The Town Board discussed possible amendments to the Ethics Law.

#### AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH STEVEN G. LEVENTHAL RESOLUTION #336

Upon motion by Councilwoman Siegel, seconded by Councilman Bernard,

RESOLVED, the Supervisor is authorized to sign a retainer agreement with the law firm Leventhal, Cursio, Mullaney & Sliney, LLP, for an amount up to \$5,000.00, to make recommendations for revisions to the Town Ethics Code.

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

HALLOCKS MILL SEWER DISTRICT LETTER

Discussion on whether to send a letter to 200 property owners who may be eligible to get a sewer permit.

Supervisor Grace asked that a letter not be sent due to on-going negotiations with the New York State Department of Environmental Conservation.

Councilwoman Siegel indicated that she might send a personal letter to these property owners.

PROPOSED ZONING AMENDMENT “COMMUNITY CARE FACILITY

Councilwoman Siegel began the discussion by referring to the recommendations sent by various agencies including Westchester County’s Planning Department, the Yorktown Planning Board and ABACA.

Discussion between Jeannette Koster and members of the Town Board concerning this proposal.

Motion by Councilwoman Siegel, seconded by Councilman Patel,

RESOLVED, the Town Attorney is hereby directed to place the proposal in Local Law format and that the Town Clerk places the proposal on the September 1, 2015 Agenda to advertise a Public Hearing to take place in October.

Siegel, Patel	Voting Aye
Grace, Bernard, Diana	Voting Nay
Resolution Fails	

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown