

Work Session held by the Town Board, Town of Yorktown on August 13, 2013, held at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Nicholas Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Patricia Caporale, Town Comptroller
Jeannette Koster, Town Attorney

Absent:

WORK SESSION

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board moved into Executive Session for advice of counsel.

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board came out of Executive Session and resumed the work Session

FINANCIAL UPDATE

Town Comptroller Patricia Caporale was present along with Representatives from O'Connor, Davies, LLP the Town's Outside Auditors to give the Town Board a financial update. They explained that this is a draft summary and the final will be done soon. Mr. Nick Desantis stated that the Town is in good financial condition, this was due to an increase in economic activity and holding the budget lines. A Presentation will be done at the September 3, 2013 Town Board meeting on the financial condition of the Town by O'Connor and Davies, LLP.

Supervisor Grace stated that the Town is working on a Capital Improvement Project Plan, now is the time to bond for these projects that need to be done.

The Town Board thanked Comptroller Patricia Caporale for all her hard work.

TOWN OF YORKTOWN WEBSITE DESIGN

Planner Robyn Steinberg gave a presentation on the new design for the Town's website. The Town Board agreed to move forward with the new layout.

TOW BID

Councilman Paganelli asked all parties involved with the Tow Bid to come up and explained that the Town Board has agreed to allow the Town Attorney to vet the Town Bid and make a recommendation to the Town Board which they will review.

LEAD AGENCY DECLARATION YESHIVA KEHILATH YAKOV ~~SHERMAN COURT~~ REPLACEMENT

340 ILLINGTON ROAD RESOLUTION #346

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, ~~TAX~~
~~MAP: XXXX~~

WHEREAS, the Yeshiva Kehilath Yakov is seeking to construct a photovoltaic solar array field and a single-family residence at 340 Illington Road ~~replace the structurally failed Sherman Court culvert~~ (the proposed action); and

~~WHEREAS, the proposed construction will require XXXX temporary construction easements from XXXX adjoining properties; and~~ WHEREAS, the proposed action will result in

approximately 4.5 acres of land disturbance as defined in Chapter 248 of the Town of Yorktown Town Code; and

WHEREAS, the proposed action will result in cutting approximately 375 protected trees as defined in Chapter 270 of the Town of Yorktown Town Code; and

WHEREAS, the applicant has submitted a Town of Yorktown Stormwater and Tree Permit application (#049-13) dated July 3, 2013; and

WHEREAS, the applicant has submitted a long Environmental Assessment Form (EAF), dated August 13, 2013~~February??281~~ and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: 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 Board circulated their intent to declare Lead Agency on June 25, 2013; and

WHEREAS, the Town Board has not received any objection to their intent to declare Lead Agency,

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby declares Lead Agency for this project.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

NEGATIVE DECLARATION
RESOLUTION #347

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, ~~TAX~~
~~MAP: _____ X X X~~

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Stormwater and Tree ~~Permit, Stormwater and Tree Permit~~ for the Yeshiva Kehilath Yakov, 340 Illington Road, Town of Yorktown, New York: Solar Array Installation and Construction of a Single Family Residence.

SEQRA Status: ____ Type 1

X Unlisted

Conditioned Negative Declaration: ____ Yes

X No

Description of Action: The applicant is proposing to install a ground mounted solar array and a single family residence. Total disturbance will be approximately 4.5 acres as defined by Town Code. Within the 4.5 acres of disturbance approximately 375 trees shall be cut. ~~replace a structurally failed culvert at the Sherman Court bridge and to construct a temporary access road to allow vehicular access to the residents located on Sherman Court during the Sherman Court culvert replacement project Approximately 9 (nine) trees less than 24" dbh and approximately 12 (twelve) trees less than 12" dbh will be cut to allow construction of the temporary access road. The access road will be constructed of millings which shall be removed upon completion of the project. approximately 0.5 acres~~The applicant requires a ~~, Stormwater and Tree~~ Stormwater

Permit and a Tree Permit from the Town Board. A stormwater permit is required to be obtained from the New York State City Department of Environmental Protection (NYCDEP). ~~and the New York State Department of Transportation (NYSDOT)~~

Location: 340 Illington Road ~~Multiple parcels on Sherman Court~~ in the Town of Yorktown, Westchester County, New York. Parcel is described on the Town of Yorktown tax roll as Section 69.7 Block 1 Lot 8..

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. The applicant is required to obtain approval for a stormwater pollution prevention plan from the Town of Yorktown Town Engineer and the NYCDEP to address potential erosion during construction and post-construction stormwater quantity and quality. There will not be any changes to existing air quality, traffic or noise levels or a substantial increase in solid waster production due to the action.
2. The proposed action will result in the removal of approximately 4.5 acres of trees. The applicant will provide a landscaping plan in order to screen the solar panels from surrounding properties and also to offset some loss of trees. In addition, the applicant has proposed additional mitigation in the form of deer fencing to surround an area of native trees in order to provide an opportunity for growth. This mitigation is outlined in Chapter 270 of the Town of Yorktown Town Code. Information provided by NYSDEC has indicated that there are potentially rare animals and plants in the area of the action. The applicant is required to obtain additional information from NYSDEC (NYS Natural Heritage) and to mitigate as required any impacts to identified threatened or endangered species or habitat in the area of the action. ~~Twenty-three trees will be cut to allow construction of the temporary access road. The loss of these trees shall be mitigated through the implementation of a mitigation plan.~~
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The applicant will provide screening to mitigate visual impacts to surrounding residences and if required the Taconic State Parkway (a scenic byway). The proposed action will result in a major change in the use of either the quantity or type of energy. A substantial net decrease increase in energy use will result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed. The applicant will provide approvals to connect the proposed single-family residence to the existing sewage treatment plant.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

YESHIVA KEHILATH YAKOV STORMWATER AND TREE PERMIT-FSWPP-049-13
340 ILLINGTON ROAD
~~TOWN OF YORKTOWN, NEW YORK NEGATIVE DECLARATION, EXCAVATION AND~~
~~TREE B-SWPPP-T~~
~~10-11~~ SECTION 69.7 BLOCK 1 LOT 8 TOWN OF YORKTOWN, NEW YORK
RESOLUTION #348

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, ~~TAX~~
MAP: ~~XXXX~~

~~Sherman Court~~ WHEREAS, the applicant proposes to install a photovoltaic solar array field ~~replace the structurally failed Sherman Court bridge~~ and one new single family residence with a total project area of 5.1 acres (the proposed “action”); and

~~WHEREAS, the applicant proposes to construct a temporary access road to be used by residents during the Sherman Court bridge culvert replacement project; and~~ WHEREAS, ~~temporary construction easements have been obtained from the property owners; and~~ WHEREAS, approximately 4.5 acres of total land disturbance as defined in Chapter 248 of the Town of Yorktown Town Code will result from the proposed action and as a result a Town of Yorktown Stormwater Permit is required, ~~and the New York State Department of Transportation (NYSDOT); and~~

WHEREAS, within the approximately 4.5 acres of land disturbance approximately 375 protected trees as defined in Chapter 270 of the Town of Yorktown Town Code will be cut as a result of the proposed action and as a result a Town of Yorktown Tree Permit is required ~~construct the access road~~; and
~~WHEREAS, twenty-three trees will be cut in order to construct the temporary access road; and~~

WHEREAS, the applicant has submitted a stormwater and tree ~~, stormwater and tree~~ permit application (FSWPP-049-13) ~~dated July 3, 2013 and preventing the introduction of pollutants to the wetlands and to mitigate for the loss of trees;~~ and

WHEREAS, the applicant has submitted a long Environmental Assessment Form (long-form EAF), dated ~~originally dated July 27, 2013 with the most recent revision date of August 13, 2013~~ ~~March 22, 2013~~; 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 Board declared intent to serve as Lead Agency on June 25, 2013; and

WHEREAS, the Town of Yorktown Town Board has not received any objection to the intent to declare Lead Agency; and

WHEREAS, the Town of Yorktown Town Board on August 13, 2013 declared Lead Agency ~~June March 21, 2013~~; and

WHEREAS, ~~has received~~ review comments ~~??~~ have been obtained and fully considered from the following:

New York City Department of Environmental Protection: 07/29/13.

Town of Yorktown Planning Board: 07/17/13.

Town of Yorktown Conservation Board: 07/15/13, 08/09/13.

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; 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, a public hearing on the permit application was conducted on August 6, 2013 ~~June ??7, 2013~~ which was subsequently closed on August 6, 2013 and written comments were accepted until August 13, 2013 and comments were received after the hearing from the Town of Yorktown Open Space Committee which have been fully considered ; and

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

1. Town of Yorktown Stormwater and Tree, ~~Stormwater and Tree~~ Permit Application FSWPP-049-13~~31~~, dated July 3, 2013~~11~~ David Oberlander.
2. Long-form EAF dated August 13, 2013. ~~March 11~~
3. Plans entitled; “Solar Array and New Single Family Residence prepared for Yeshiva Kehilath Yakov” prepared by prepared by Ciarcia Engineering originally dated 07/03/13 with the most recent revision date of 08/13/13, 1 sheet.

BE IT FURTHER RESOLVED THAT, the Stormwater and Tree, ~~Stormwater and Tree~~ Permit is granted subject to the signing of the plan by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Stormwater and Tree ~~Stormwater and Tree~~ Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution by the end of the term of this permit; and

BE IT FURTHER RESOLVED THAT, the Stormwater and Tree, ~~Stormwater and Tree~~ Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

- ~~The Town Stormwater Officer shall sign the MS4 acceptance form.~~ 2A full stormwater pollution prevention plan shall be submitted to and approved by the Town Engineer.
- A stormwater permit from the New York City Department of Environmental Protection (NYCDEP) shall be provided or if a permit is not required by this agency a letter stating same shall be submitted to the Town Engineer.
- The applicant shall respond to NYCDEP comments in the 07/29/13 letter.
- Applicant shall provide information from NYSDEC Natural Heritage program regarding the possible presence of rare animals and rare plants on the site and if determined to be present, develop appropriate mitigation to be approved by the Town Engineer.

- Approval from the Westchester County Department of Health (WCDOH) shall be provided to the Town Engineer for the water and sewer connections to the residence.
- ~~Written certification shall be provided to the Town Engineer from the WCDOH that the site is compliant with all rules and regulations~~
- ~~3~~A landscape plan to provide adequate screening to mitigate visual impacts to surrounding properties shall be provided to and approved by the Town Engineer.
- In addition to the landscape plan, tree mitigation in the form of a deer fencing enclosure of up to three (3) acres in size either on the subject site or an alternative site shall be installed by the applicant following approval by the Town Engineer with recommendation from the Town of Yorktown Tree Advisory Committee.
- The applicant must submit a bond in the amount of \$5,000 for erosion and sediment control to the satisfaction of the Town Attorney. The bond shall be released when the site is determined by the Town of Yorktown to be stable and all conditions of the permit have been met.
- The applicant must submit a bond in the amount of \$5,000 for tree protection and mitigation to the satisfaction of the Town Attorney. The bond shall be released when all tree mitigation has been inspected by the Town of Yorktown and found to be completed in accordance with all plans and conditions.
- The applicant must submit \$1,500 for inspection fees to be held in escrow by the Town of Yorktown.
- Applicant must provide an affirmative decision regarding a special use permit application from the Town of Yorktown Zoning Board of Appeals.
- The applicant must obtain all required approvals from involved agencies.

Conditions of the Stormwater and Tree, ~~Stormwater and Tree~~ Permit

1. A pre-construction meeting shall be held prior to the commencement of any work. The applicant is to contact the Town of Yorktown Engineering Department (914-962-5722 x220) to schedule an appointment.
2. The applicant agrees to allow periodic inspections by the Town and its consultants.
3. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the wetland, ~~stormwater and tree~~ permit.
4. Work on the site shall not commence without first obtaining a Town of Yorktown Building permit.
5. No additional disturbance or modifications is permitted without prior written approval from the Town Board.

~~Final location, species and sizes of mitigation plantings shall be approved by the Town Engineer in consultation with the Town Environmental Consultant.~~ Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide a written report, no later than at the expiration date of the wetland, ~~stormwater and tree~~ permit, documenting the status of the implementation of the requirements of this resolution.
2. The applicant must file periodic stormwater maintenance reports to the Town Engineer as indicated in the approved stormwater pollution prevention plan.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REQUEST FROM SPARC TO USE YCCC WITH RENT WAIVED FOR 2013-14

The Town Board decided to hold off on addressing this issue at this time.

REQUEST FROM NOR-WEST TO USE YCCC WITH RENT WAIVED

The Town Board decided to hold off on addressing this issue at this time.

SIDEWALKS ON EAST MAIN STREET

The Town Board briefly discussed this issue.

AWARD BID

**GREENWOOD STREET BRIDGE CULVERT
RESOLUTION #349**

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

Bids were received today for the Rehabilitation of the Greenwood Street Culvert, bid #13-5, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Arben Group, LLC	\$129,648.00
R. Pagni & Sons, Inc	\$130,967.00
Landscape Unlimited, Inc.	\$157,000.00
Abbott & Price, Inc.	\$167,263.00
WJL Equities Corporation	\$177,051.00
Sun Up Enterprises, Inc.	\$203,779.00
Legacy Valve, LLC	\$278,162.00
Con-Tech Construction	\$279,984.00
Rock Island Contractors, Inc.	\$320,650.00

WHEREAS, WSP Sells has performed a bid analysis and has made a recommendation for the bid award, NOW, THEREFORE BE IT

RESOLVED, that the bid for the Rehabilitation of the Greenwood Street Culvert, bid #13-5, be awarded to the Arben Group, LLC, at the total bid price of \$129,648.00.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

**AWARD BID
DEWATERED SLUDGE – WASTEWATER TREATMENT PLANT
RESOLUTION #350**

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

Bids were received today for the Dewatered Sludge Removal & Disposal, bid #13-4, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
New England Waste Service of ME, Inc.	\$105.00/ton
McVac Environmental Services	\$118.00/ton
Spectraserv, Inc.	\$205.00/ton

RESOLVED, that the bid for the Dewatered Sludge Removal & Disposal bid #13-4 be awarded to New England Waste Services of ME, Inc., at a cost of \$105.00/ton.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

**AMEND RESOLUTION # OF 2013 PASSED ON JULY 16, 2013 AUTHORIZING THE
TOWN COMPTROLLER TO PAY A FORMER EMPLOYEE UNUSED SICK, PERSONAL,
VACATION AND HOLIDAY LEAVE ACCRUED AS OF JULY 5, 2013
RESOLUTION #351**

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

Be it resolved that the Town Board hereby rescinds the resolution passed on July 16, 2013 authorizing the Comptroller to pay former employee William Ollie cash value of benefits upon retirement.

Be it further resolved that the Town Board herby authorizes the Town Comptroller to pay former employee William Olli the cash value of unused Sick, Personal, Vacation and Holiday Leave accrued as of July 5, 2013, his date of retirement as follows:

2013	2013	2013	
Beginning	Ending	Daily	Total

	Balance		Sellback	=	Balance	x	Rate	=	Payout
Sick Days	135	-	24	=	111	x	368.71	=	\$40,926.81
						x	75%	=	\$30,695.11
Personal Days	4			=	4	x	368.71	=	\$1,474.84
Holiday	6.78			=	6.78	x	368.71	=	\$2,499.85
Longevity (paid in advance of retirement)					-				(\$ 387.08)
					2012		2012		
					Ending		Daily		Total
					Balance		Rate		Payout
Vacation Days					19	x	359.72	=	\$ 6,834.68
					Total Payout				\$41,117.40

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE OFFICER O’ROURKE’S REQUEST FOR GML SECTION 207C STATUS
RESOLUTION #352

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, Police Officer Christopher O’Rourke was injured in the performance of his duties on or about March 4, 2013; and

WHEREAS, by written request date May 21, 2013, Officer O’Rourke requested that he be granted General Municipal Law (“GML”) Section 207-c status for days of missed work related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer O’Rourke’s request for GML Section 207-c status for days of missed work related to his injuries, and authorizes the Town Supervisor to advise Officer O’Rourke thereof.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE BID
STREET LIGHT MAINTENANCE
RESOLUTION #353

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on September 3rd, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Street Light Maintenance Bid - Highway Dept.. Bid Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Street Light Maintenance - Highway Dept.** The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER FROM A.1420.0110 TO A.1420.0426.001 IN THE AMOUNT OF \$10,000
RESOLUTION #354

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, the following budget transfer in the Town Attorney budget 2013 is hereby authorized: \$10,000 from A1420.0110 (Part time/Seasonal Salaries) to A.1420.0426.0001 (Prosecutor).

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE BID
JOHN C. HART MEMORIAL LIBRARY CHILDREN'S ROOM RENOVATION
RESOLUTION #355

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 10:00 a.m., Tuesday, September 3, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for General Construction for the John C. Hart Memorial Library Children's Area - Renovation, 1130 East Main Street, Shrub Oak, New York 10588.

Specifications for work proposed may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown.

Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked "**Bid – John C. Hart Memorial Library Children's Area - Renovation**".

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE BID
JOHN C. HART MEMORIAL LIBRARY REFURBISHING AND REUPHOLSTERING OF FURNITURE
RESOLUTION #356

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 10:00 a.m., Tuesday, September 3, 2013 at the at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Refinishing & Reupholstering of Furniture in the Children's Room in the John C. Hart Memorial Library Children's Area Renovation, 1130 East Main Street, Shrub Oak, New York 10588.

Specifications for work proposed may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown.

Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked “**Bid – John C. Hart Memorial Library Refinishing & Reupholstering of Furniture**”.

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER
GENERAL FUND IN THE AMOUNT OF \$75,000, \$40,000 TO A.1625.0408 AND \$35,000
TO A.1625.0416
RESOLUTION #357

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that the following 2013 budget transfer is approved:

Transfer \$75,000.00 from the General Fund, Fund Balance \$40,000.00 to the Building Maintenance Fuel Oil Line A1625.0408 and \$35,000.00 to the Building Maintenance /Maintenance Line A1625.0416.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

PROPOSED ACQUISITIONS OF THE PERMANENT EASEMENT UPON THE KAUFMAN
PARCEL, TEMPORARY EASEMENT UPON THE KAUFMAN PARCEL, AND
TEMPORARY EASEMENT UPON THE SALITAN PARCEL
RESOLUTION #358

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, in order to repair the roadbed adjacent to and in the vicinity of 1225 and 1210 Baptist Church Road, and the culverts beneath said roadbed, -- a necessary public project to protect the safety of the traveling public and improve the hydrology of the watercourse below the road -- (the “Project”), the Town requires two temporary easements and one permanent easement over the parcels of real property abutting Baptist Church Road; and

WHEREAS, the downstream parcel adjacent to the Project is owned by Michael Salitan, is located at 1225 Baptist Church Road (tax map ID number 47.15-1-18), and consists of 5.08 acres (221,350 square feet) in total area (“Salitan’s Parcel”); and the upstream parcel adjacent to the Project is owned by Elizabeth Kaufman, is located at 1210 Baptist Church Road (tax map ID number 47.15-1-4), and consists of 1.89 acres (82,328 square feet) in total area (“Kaufman’s Parcel”); and

WHEREAS, due to the culverts being located on and under the road that runs between the two properties, there are no possible alternative locations for the Project, and

WHEREAS the Town has been unsuccessful in its attempts to obtain the easements necessary for the Project through negotiations, held a public hearing pursuant to Article 2 of the Eminent Domain Proceedings Law (EDPL) on July 17, 2012 and issued findings and determinations on July 24, 2012 to acquire easements by eminent domain; and

WHEREAS, the Town applied for a wetland permit pursuant to Chapter 178 of the Town Code, the Town Board declared lead agency, found the proposed action to be a Type II action under SEQRA, issued a negative declaration and issued a wetland permit; and

WHEREAS, the nature, scope, size and purpose of the Project have not changed since July 2012; and

WHEREAS, the easement sought on Salitan’s Parcel is temporary and comprises approximately 2,940.69 square feet, approximately 1.3% of the total size of Salitan’s Parcel; the

permanent easement sought on the Kaufman Parcel comprises approximately 1,274.31 square feet, approximately 1.6% of the total size of Kaufman's Parcel; and the temporary easement sought on the Kaufman Parcel comprises approximately 4,048.50 square feet, approximately 4.9% of the total size of Kaufman's Parcel; and

WHEREAS, the Town Board held a duly noticed public hearing on July 17, 2012 for the purpose of informing the public and reviewing the public use to be served by the Project and the impact on the environment and residents of the locality where the Project will be constructed, and issued findings and determinations on July 24, 2012, approving the acquisition of the above-described easements for the Project (the first public hearing); and

WHEREAS, Section 206 of the EDPL provides that, when in the opinion of the condemnor an acquisition is *de minimis* in nature so that the public interest will not be prejudiced by the construction of the project, in such instance a public hearing is not required; and

WHEREAS, due to the delay in the commencement of the Project for reasons beyond the Town's control, the Town Board wishes to hold a second public hearing to inform the public and to review the public use to be served by the Project and the impact on the environment and residents of the locality where the Project will be constructed;

NOW, THEREFORE,

IT IS HEREBY ORDERED by the Town Board of the Town of Yorktown, that The proposed acquisitions of the above-described permanent easement upon the Kaufman Parcel, temporary easement upon the Kaufman Parcel, and temporary easement upon the Salitan Parcel, are each hereby found to be *de minimus* takings; and

IT IS HEREBY RESOLVED, that

The Town Clerk is directed to publish notice of a public hearing to be held on September 17, 2013 for the purposes stated above;

The Town Engineer is directed to make an application for a three-year wetland permit and submit a short-form EAF to show present environmental conditions at the Project location prior to September 17, 2013.

This Resolution shall take effect immediately.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE PUBLIC HEARING
REGARDING THE RECONSTRUCTION AND REPAIR OF TWO CULVERTS UNDER
BAPTIST CHURCH ROAD
RESOLUTION #359

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

TAKE NOTICE that, pursuant to authority granted to the Town by Town Law § 64(2), the Highway Law and the Eminent Domain Proceedings (EDPL) Law, the Town of Yorktown hereby gives notice of a public hearing as follows:

A public hearing will be held by the Town Board on September 17, 2013, at 7:30 pm, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, regarding the reconstruction and repair of two culverts under Baptist Church Road, Yorktown Heights, NY, and the full-depth restoration and repavement of the roadbed above the culverts (the "Project"). The Project is located on and adjacent to Baptist Church Road between the parcels located at 1210 Baptist Church Road and 1230 Baptist Church Road. The purpose of the hearing is to inform the public

and review the public use to be served by the Project, and the impact on the environment and residents of the locality where the Project will be constructed.

The parcels of real property affected by the Project are as follows:

<u>Tax Map Number</u>	<u>Record Owner</u>	<u>Location of Affected Parcels</u>
47.15-1-18	Michael Salitan	1225 Baptist Church Road
47.15-1-4	Elizabeth Kaufman	1210 Baptist Church Road

There are no other possible alternative locations for the Project. The segment of road that requires repair is situated between the two above-referenced parcels.

Any person may submit written views thereon in advance of said meeting in care of the Town Clerk, or may be heard in person at said meeting. Copies of the engineering plans and a narrative description are available for review in the Town Clerk's Office. Persons with disabilities who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the hearing.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO PREPARE A REQUEST FOR PROPOSALS FOR ARCHITECTURAL SERVICES AND A PHASE 2 ENVIRONMENTAL STUDY FOR THE RELOCATION OF THE HIGHWAY AND PARKS DEPARTMENTS RESOLUTION #360

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

Grace, Murphy Voting Aye
Bianco, Patel, Voting Nay

AUTHORIZE SUPERVISOR TO PREPARE A REQUEST FOR PROPOSAL FOR ARCHITECTURAL SERVICES FOR THE RELOCATION OF THE HIGHWAY AND PARKS DEPARTMENTS RESOLUTION #361

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, the Town of Yorktown Town Board has determined that relocation of the existing Town Highway Garage would be a benefit to the health, safety, and welfare of the public in terms of economic viability and aesthetic considerations and would offer benefits in efficiency to the operation of the highway department; and

WHEREAS, the Town Board has determined, after preliminary evaluation that the Town owned land fronting on Greenwood street and housing a sewer treatment plant, salt storage sheds, and composting operations is suitable as the new site for the Town Highway Garage; and

WHEREAS, the Town Board has determined, that the Town Parks and Recreation Department facilities should be considered to be relocated to the site identified herein; and

WHEREAS, the Town Board desires to investigate the architectural, engineering, and environmental factors presented at the site for such a project and develop strategies necessary to

address those factors which will include but not be limited to building siting, ingress/egress, utilities, stormwater, building layout and design, cost, etc.; and

WHEREAS, the Town Board declares lead agency under SEQRA for this action; and

WHEREAS, in accordance with 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA). [Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113]. 617.5(c) 18, the systematic collection of information necessary to allow informed decisions to be made regarding the environmental impact of an action, data gathering as a preliminary tool for environmental analysis is a type II action and no further environmental review is required; Therefore

BE IT NOW RESOLVED, that the Town of Yorktown Town Board hereby authorizes the Supervisor to produce and publish a Request for Proposals (RFP) and to publicly solicit proposals there under from qualified firms to conduct preliminary architectural and engineering evaluations for the proposed Yorktown Highway Garage and Parks and Recreation Department facilities at the site identified herein; and

BE IT FURTHER RESOLVED, that solicitation of said proposals shall in no way bind the Town of Yorktown to accept any proposals in whole or in part, nor hire or employ any persons or firms pursuant to any proposals tendered to the town under said RFP.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO PREPARE A REQUEST FOR PROPOSAL (RFP)
FOR A PHASE 2 ENVIRONMENTAL STUDY FOR THE HIGHWAY GARAGE PROPERTY
RESOLUTION #362

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, the Town of Yorktown Town Board has determined that relocation of the existing Town Highway Garage would be a benefit to the health, safety, and welfare of the public in terms of economic viability and aesthetic considerations and would offer benefits in efficiency to the operation of the highway department; and

WHEREAS, the Town Board desires to investigate the environmental factors necessary to realize such a project; and

WHEREAS, in furtherance of that desire the Board determined to conduct a Phase II Environmental Study of the site housing the existing Yorktown Highway Garage; and

WHEREAS, the Town Board declares lead agency under SEQRA for this action; and

WHEREAS, in accordance with 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA). [Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113]. 617.5(c) 18, the systematic collection of information necessary to allow informed decisions to be made regarding the environmental impact of an action, data gathering as a preliminary tool for environmental analysis is a type II action and no further environmental review is required; Therefore

BE IT NOW RESOLVED, that the Town of Yorktown Town Board hereby authorizes the Supervisor to produce and publish a Request for Proposals (RFP) and to publicly solicit proposals there under from qualified firms to conduct a Phase II Environmental Study of the existing Yorktown Highway Garage site; and

BE IT FURTHER RESOLVED, that solicitation of said proposals shall in no way bind the Town of Yorktown to accept any proposals in whole or in part, nor hire or employ any persons or firms pursuant to any proposals tendered to the town under said RFP.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

TOWN BOARD AGENDA
SEPTEMBER 3, 2013

The Town Board discussed the September 3, 2013 Town Board meeting agenda which will be held at 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 7:30 P.M.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board adjourned the meeting.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown