

Meeting of the Town Board, Town of Yorktown held on February 7, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Supervisor Grace, the Town Board moved into Executive Session to discuss personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Yorktown Boy Scout Troop #164 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.

UPDATE FROM WESTCHESTER COUNTY LEGISLATOR MICHAEL KAPLOWITZ

Legislator Michael Kaplowitz began his report by mentioning the County Legislature voted for the \$175,000 purchase of a vacuum truck for catch basin and ditches cleaning, as well as the management of stormwater maintenance practices for the Town of Yorktown. East of Hudson funds will pay for this purchase.

January 1 is the beginning of the new fiscal year and the Board voted for the 7th year in a row to not raise Westchester County property taxes. The County budget is 1.8 billion dollars and when special districts are added, it increases to 2.2 billion dollars. Supervisor Grace commended Mr. Kaplowitz for putting aside bipartisan politics to get the job of producing the budget accomplished. Legislator Kaplowitz, in turn, commended Legislator John Testa for his work on the budget.

The County will collect a \$548 million levy for this year. Legislator Kaplowitz explained that in any particular year in any particular town, the rate goes up and down based on an equalization rate. For example, what is a \$500,000 house in Yorktown worth relative to a \$500,000 house in Somers, or Bronxville, etc.? This number moves in different ways, and in order to determine what a fair tax is for the different communities, the county legislature takes the rate that the State sets, runs the numbers to determine which communities will go up in a particular year and which may go down. This year Yorktown will go up by 2.07% but this follows last year drop of 6.32%. Legislator Kaplowitz did a 10 year look-back and in 2007 the county levied \$18,114,000 of the County tax to Yorktown residents; 10 years later \$17,059,000 was levied. Ten years later, there is actually \$60,000 less being levied to Yorktowners showing an average annual increase of .6% for each of those ten years. Legislator Kaplowitz feels that on the average, this has been kept under control.

He mentioned the closing of the Indian Point Nuclear Power Plants. The governor stated that, in consultation with Entergy who owns the power plants, the plants will be closing but will seek an extension to 2020-21 (possibly 2025). Entergy is voluntarily giving up their license. Legislator Kaplowitz, along with Senator Murphy and State Assemblywoman Sandy Galef and the other county legislators, is trying to work with towns, school districts, etc. as how to lessen the financial effects of this loss to the county. For example, 30% of the Hendrick Hudson School Districts taxes are paid by Entergy. One percent of the county's taxes is paid by this one

company; an anticipated \$5.1 million dollars will be lost on the county level. They are drafting a plan for review by the Towns. SG mentioned that although Yorktown is not directly affected, but indirectly. Entergy is abandoning Indian Point, but the difficulty in obtaining their licensing by the State contributed to their decision and stated that this is bad politics. It is going to be a big blow to all of the surrounding communities. Legislator Kaplowitz said that the backbone to the plan they are drafting is the replacement of the 2000 megawatts of electricity that the plants put into the system, as well as the \$45 million that it pays into the taxes of the communities involved, retraining the workers that will be losing their jobs, the environmental issue of what is left, reliability issue of the electricity remains. Supervisor Grace said that the governor should have discussed this with the towns and communities affected before the decision was made and feels this may have been an example of partisan politics.

Legislator Kaplowitz talked about the plan County Executive Rob Astorino is proposing a 40 year lease through a private-public partnership to an outside company to run Westchester County Airport. The plan would take the money generated from that lease and put in into the county budget in an effort to balance it. Legislator Kaplowitz explained that by the time the legislature received the information about the plan, they did not have enough time in mid-November to vet a 40 year plan worth hundreds of millions of dollars so they drafted an RFP to choose a firm to design what a potential operator should look like, environmental issues, monetary expectations, etc. The county did receive an unsolicited bid, but Legislator Kaplowitz said that they felt the county could do much better. He mentioned that the money derived from the deal would probably be spread out over time so that it is not all received at once.

Supervisor Grace mentioned that the County Legislature will be hearing from the Town soon regarding the East of Hudson funds for the approximately \$20 million project of redoing the sewers in the Hallocks Mill District.

SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace mentioned that over a year ago the town was successful in getting the parameters of the SPEDES permit changed for the Hallocks Mill Sewer District. Over the next couple of years \$20 million in projects will begin, a good portion of which will be financed by the East of Hudson monies that were set aside years ago for communities in the NYC watershed area. The homes that have the potential to be sewered will soon be receiving a postcard in the mail that requests a return of their interest level in having this done (at a nominal cost).

The Retore NY money that the Town was granted is specifically for the Depot Square Project that includes new Highway Department offices and garage (which will allow the existing structure to be put on the market), and a linear park between Patriot Park and Railroad Park, the Pines Bridge Monument, a town square, and a 3 story, 7000 square foot building with parking on the site of the old Highway garage location. The grant money totaled \$1.5 million and added to that will be the sale of the old Highway garage. The estimated budget is \$3-3.5 million and will not involve taxpayer dollars.

Supervisor Grace then asked the Board for permission to engage a surveyor to stake out the fields on the Granite Knolls Property. Councilman Patel asked exactly what would be staked out and Supervisor Grace said there are two all-purpose fields and a 90-foot baseball field (base path is 90 feet). The goal is to get this done no later than this calendar year because in 2018 the pipe running though Legacy Field is being removed, so there would be no available fields if Granite Knolls doesn't get done.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana talked about a meeting he had with the Jefferson Valley Mall Management, Dave Napolitan and Alexis O'Rourke. They are very interested in the Pines Bridge Monument Project and would like to have one of their storefronts depict what the project is by having period costumes on display and a video presentation. It would help to raise funds as well as educate the public. Police Officer Michael Kahn and members of the Historical Society were also present at this meeting. Councilman Diana mentioned the upcoming snow storm for the next day.

Councilman Bernard reported that the Traffic Advisory Committee (Highway Superintendent David Paganelli and Traffic Officer Jason Swart) met on January 26 and made many site visits: Bunney Lane and Mark Road to add a stop sign to make the intersection safer; Quaker Church and Granite Springs Road to review a proposal to add another stop sign to make it a two-way

stop to slow down traffic since speed has been a factor in several accidents at this intersection; the four-way stop at East Main Street and Stoney Street was reviewed due to its high traffic flow and history of accidents. The Committee is proposing that any additional development to this area necessitates a traffic signal being erected. They are also looking to put additional crosswalks in the area. A motion was made by Councilman Bernard to accept the Advisory's report, and was so moved by Councilman Diana. Town Attorney Michael McDermott stated that he would have the legislation to enact these changes ready for the next work session.

Councilman Patel stated that he had a resolution request that he would like to see put up for a vote as soon as possible. New York State pays tax revenue to other towns in the area for parkland and Councilman Patel feels that Yorktown should also get revenue for the acreage that is used in the Town of Yorktown. He stated that he gave each member of the Board a copy of the resolution for review. He then spoke to the boy scouts regarding the function of the Town Board.

Councilman Lachterman mentioned that the Lions will be holding their annual breakfast with the Easter Bunny on March 6 (April 2 snow date). The Senior Advisory Committee meets on the third Friday of every month at the YCCC but this will change beginning on March 17 when they will meet in the Town Board room at 1:00. Councilman Bernard mentioned that a conversation recently took place with the Committee regarding housing options for seniors. Councilman Lachterman stated that there are over 3,000 seniors in the town and the Advisory Committee is only 7 members and mentioned that it would be helpful for the group to have more representation since this is a committee that reports back to the Town Board.

Councilman Patel mentioned that he, Supervisor Lachterman, and Supervisor Grace attended the Four Chaplains Ceremony. Councilman Lachterman gave a brief history of the story of the four chaplains.

APPOINTMENT – ROBERT GARRIGAN TO PLANNING BOARD
RESOLUTION #048

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

BE IT RESOLVED that Robert Garrigan is hereby appointed as an Alternate Member of the Planning Board for a five-year term expiring December 31, 2022.

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

EMPLOYEE TRANSFER TO BUILDING MAINTENANCE – MICHAEL HOY
RESOLUTION #049

Upon motion made by Councilman Diana, seconded by Councilman Bernard

BE IT RESOLVED, that Michael Hoy is hereby transferred from the Refuse & Recycling Department to the Building Maintenance Department as a Laborer, job class code 0425-05, effective February 8, 2017, with no change in salary.

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

APPOINTMENT TO WATER DEPARTMENT – JAMES D. MORGAN
RESOLUTION #050

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

BE IT RESOLVED, that James D. Morgan, is hereby appointed Senior Automotive Mechanic, job class code 0484-02, in the Water Department, effective February 13, 2017, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 5, which is \$69,774.00 annually,

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 February 13, 2017.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye

Resolution adopted.

PROMOTION – JASON ZEIF – CODE ENFORCEMENT OFFICER
RESOLUTION #051

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

BE IT RESOLVED, that Jason L. Zeif of Shenorock, NY, is hereby promoted as Code Enforcement Officer, job class code 0540-01, effective January 23, 2017 to be paid from Yorktown CSEA Salary Schedule A1, Group 11, Step 3 which is \$62,964.00 annually.

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

PUBLIC HEARING
RICCIARDELLA, LEGRAND GROUP, LLC SITE PLAN AMENDMENT

Supervisor Grace convened a public hearing to consider the request from Teddy Ricciardella, LeGrand Group, LLC to amend a previously approved site plan for property located at 714 Saw Mill River Road containing one building with four two-bedroom apartments and a separate stand-alone garage and storage building. The property owner is now proposing to convert a portion of the existing garage/storage building into a one-bedroom apartment. Approval has been obtained to expand the existing septic system to accommodate the additional one bedroom. Affidavits of posting and publication were presented by the Town Clerk.

Joe Riina, the project engineer, stated that a transitional zone had been previously granted in 2004. The applicant, Teddy Ricciardella, now wishes to create a one-bedroom apartment over the garage. Health Department approval has already been obtained; they now need Town Board approval in order get the building permit.

Councilman Patel asked about a sloping issue that had been on the property and was told by Mr. Riina that it had been fixed by the installation of a stone retaining wall by the owner.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Bernard, seconded by Councilman Lachterman and carried.

APPROVE AMENDMENT TO RICCIARDELLA, LEGRAND GROUP, LLC REZONING
SITE PLAN
RESOLUTION #052

Upon motion made by Councilman Diana, seconded by Councilman Lachterman.

WHEREAS, Michael Dubovsky applied for a transitional zoning designation for an 0.862 acre parcel located on Route 118 in the Croton Heights area of the Town of Yorktown, known as Section 59.14 Block 1 Lot 17 (formerly Section 15.07, Parcel 399, Lot 4) of the Town tax map (“the Property”); the purpose of developing the site is to allow for the construction of 4 multi-family units (i.e., apartments); and

WHEREAS, the Town Board rezoned the Property to the Transition Zone and approved the site plan by Resolution #421 dated November 16, 2004 and amended the site plan by Resolution #201 dated April 4, 2006; and

WHEREAS the LeGrand Group (“the Applicant”) acquired the property from Michael Dubovsky and are the lawful owners of said lot; and

WHEREAS, the applicant petitioned the Town board to amend the approved plan by allowing the addition of a storage building in 2008, prior to the construction of the site; and

WHEREAS, the Town Board approved the proposed amendment to the plan by Resolution #352 on August 19, 2008; and

WHEREAS, the applicant developed the property substantially in accordance with the transitional zoning designation as described in Town Board Resolutions #421 and #201 and #352 which allows for the construction of 4 multi-family units and a storage building; and

WHEREAS, the applicant has submitted proposed amendments to the site plan for review and consideration by this Board which consists of creating a one bedroom apartment in the second story of the existing storage building; and

WHEREAS pursuant to SEQRA, the Town Board, using the information provided by the applicant and comparing it with the information provided during the SEQRA process in the original action, finds that the proposed changes are sufficiently minor and do not materially alter the environmental conditions found in the SEQRA process as originally reviewed, and that the conclusions thereto are unchanged; and

WHEREAS the applicant has submitted as part of his application the following maps and documents:

1. A map, Sheet 1 of 1, titled “Amended Site Plan prepared for LeGrand Group,” prepared by Site Design Consultants, dated February 1, 2017, and listing past revisions from earlier actions; and

WHEREAS the Town Board finds the changes proposed in the amended site plan to be minor in nature and impact and finds that the usage of the property as set forth in the original rezoning to a transitional zone is unchanged in intensity and use; therefore

BE IT HEREBY RESOLVED, that the request to maintain the transitional zone of the subject parcel is hereby granted; and that the bulk requirements of the zone are hereby amended as follows:

PERMITTED MAIN USES:

1. One four-unit multi-family housing structure.

MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. None.

PERMITTED ACCESSORY USES:

1. 23' x 43' Storage Shed, with a single, one-bedroom apartment on the second story

SCHEDULE OF REGULATIONS:

TRANSITION ZONE PROPOSED BULK REGULATIONS

Lot area	0.862 acres
Lot width at front yard	175 ft.
Front yard (Main building)	37 ft.
Side yard (Main building)	31 ft. at western side; 58 ft. at eastern side
Accessory structure	11.6 ft. at western side; 138 ft. at eastern side
Rear yard (Main building)	133 ft.
Accessory structure	32.16 ft.
Maximum height	2 ½ stories; 35 ft. max
Maximum coverage	10%
Required off street parking	16 parking spaces

ADDITIONAL REGULATIONS:

1. None; and

BE IT FURTHER RESOLVED, that amendment to the site plan is hereby approved for one four-unit multi-family apartment housing structure on the subject premises and one accessory storage building with a single one-bedroom apartment on the second story as shown on the plans enumerated above, and the site shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to one four-unit multi-family apartment housing structure with garages for each unit as shown on the site plan enumerated above which may be used for residential rental purposes and one one-bedroom apartment on the second story of the accessory storage building;
2. The bulk regulations, as established by the Town Board herein, shall be met by the proposed development. Any aspect of the development exceeding the requirements established herein, or any other applicable regulations established by the Town Code site plan shall require an amended approval from the Town Board..
3. Any deviation from the final approved site plan shall require an amended approval from the Town Board.
4. There shall be no commercial use of the property;
5. There shall be no more than one (1) bedroom for the apartment on the second story of the storage building;
6. There shall be no increase in any impervious surfaces, driveways, parking areas, or buildings;
7. Westchester County Board of Health approval must be obtained for the subject one-bedroom unit and the septic system modified according to that approval prior to issuance of a certificate of occupancy; and

BE IT FURTHER RESOLVED the Applicant will erect and maintain appropriate erosion control measures during the expansion or modification of the septic system or any other land disturbance activity to the satisfaction of the Town Engineer, and obtain any necessary permits to conduct said activities; and

RESOLVED that for any site disturbance of one (1) acre or more Applicant must comply with New York State DEC Phase II Stormwater Regulations, latest amendment and the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

Additional requirements:

1. Applicant must submit final plans and as-built plans of the septic system in AutoCAD readable format, and Adobe PDF formats;
2. Prior to endorsement by the supervisor of the site plan, the following shall be added to the plan:
 - 1) add all dimensioned setbacks of all buildings;
 - 2) show all parking spaces on the site;
 - 3) indicate location and capacity of the indoor garage parking on the plan;
 - 4) enumerate the approving resolutions governing the site on the site plan; and
3. A final signed site plan must be obtained prior to issuance of any building permit, construction or land disturbance activity; and

BE IT FURTHER RESOLVED that unless a building permit for the one-bedroom apartment has been issued within 360 days of the date of this resolution this approval will be null and void.

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

AWARD BID FOR AUTO BODY REPAIR ON TOWN-OWNED VEHICLES (AUTOS & TRUCKS)
RESOLUTION #053

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

Whereas, Bids were received on Friday, January 13, 2017 for “Town-Owned Vehicles (Automobiles and Trucks) Auto Body Repair” and the results are as follows:

Auto Body Repair on Town owned Automobiles:

<u>Bidder</u>	<u>Hourly Rate</u>	<u>Percentage (%) above bidders cost billed to the Town</u>
Yorktown Auto Body, Inc. 1798 Front Street Yorktown Hts., NY	\$40.00	0%
Tompkins Garage, Inc. 1440 Croton Lake Road Yorktown Hts., NY	\$40.00	0%
Luposello’s Auto Body, Inc. 2030 Albany Post Road Croton-on-Hudson, NY	\$40.00	10%

Auto Body Repair on Town owned Trucks:

<u>Bidder</u>	<u>Hourly Rate</u>	<u>Percentage (%) above bidders cost billed to the Town</u>
Luposello’s Auto Body, Inc. 2030 Albany Post Road Croton-on-Hudson, NY	\$38.00	10%
Yorktown Auto Body, Inc. 1798 Front Street Yorktown Hts., NY	\$65.00	0%

Resolved, that upon the recommendation of the Coordinator of Refuse and Recycling the bid for Town-owned Automobiles Auto Body Repair be awarded to Yorktown Auto Body, Inc, and the Town-owned Trucks Auto Body Repair bid be awarded to Luposello’s Auto Body, Inc.

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

APPROVE BUDGET TRANSFER – FINANCE DEPARTMENT
RESOLUTION #054

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

Be It Resolved that the Comptroller is hereby authorized to process the following 2016 budget transfers to disburse payment to Bond, Schoeneck & King for November and December 2016 invoices:

From:		
1420.437	Legal – Foreclosure/Sales Expenditures	\$26,000.00
To:		
1420.425.1	Legal – Labor Non Retainer	\$25,000.00
1420.427	Legal – Outside Expenses	\$ 1,000.00

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

APPROVE BUDGET TRANSFER – FINANCE DEPARTMENT

RESOLUTION #055

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

Be It Resolved that the Town Board authorizes the Budget Transfers listed below to fund Liability Insurance reserves to 12/31/16:

From: A9000.811 General Fund Retirement
To: A9901.901 General Fund Transfer to Liability Insurance
Amount: \$43,657.94

From: D9000.811 Highway Retirement
To: D9901.901 Highway Transfer to Liability
Amount: \$10,132.33

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

APPROVE PAYMENT OF INVOICE – DECARVALHO LANDSCAPING

RESOLUTION #056

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

Whereas, the Shrub Oak Memorial was damaged by an automobile accident; and

Whereas, the Town received \$8,085.00 payment from the insurance company for said accident claim; and

Whereas, DeCarvalho Landscaping Contractors was hired to repair the memorial as per the specifications of the contract dated April 10, 2016; and therefore

Be It Now Resolved, the Town Board approves payment of the invoice from DeCarvalho Landscaping Contractors in the amount of \$8,250.00 for the completed repair work.

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

APPROVE RENEWAL OF WASTE SERVICES, INC. FOR GARBAGE LICENSE

RESOLUTION #057

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

RESOLVED, that Waste Services, Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

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

APPROVE RENEWAL OF SANI-PRO DISPOSAL SERVICES CORP. D/B/A SUBURBAN CARTING COMPANY FOR A COMMERCIAL GARBAGE LICENSE FOR 2017

RESOLUTION #058

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

RESOLVED, that Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Company be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

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

AUTHORIZE RELEASE OF EROSION CONTROL BOND PERMIT #BSWPPP-T-018-15 – BONIELLO EQUITIES, LLC
RESOLUTION #059

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

WHEREAS, Boniello Equities, LLC, as applicant posted \$500 which was deposited into the T33 account on March 27, 2015 to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-T-018-15, for work performed at the Crompond Road location.

The Town Engineer has informed this Board that a representative of his 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 escrow money be released to Boniello Equities, LLC, 165 Waccabuc Road, Goldens Bridge, NY 10526, Attn: Mr. Gus Boniello.

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

AUTHORIZE RELEASE OF ESCROW FOR STORMWATER PERMIT #BSWPPP-T-031-16 PANBAR REALTY, LLC
RESOLUTION #060

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

WHEREAS, PanBar Realty, LLC as applicant posted Check #1470 in the amount of \$15,000 which was deposited into the T33 account on June 7, 2016, to serve as the Escrow Account for Stormwater Permit #BSWPPP-T-031-16, for work performed at the Williams Drive location.

The Town Engineer has informed this Board that a representative of his 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 escrow money be released to PanBar Realty, LLC, 361 Route 6, Mahopac, NY 10541.

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

AUTHORIZE SUPERVISOR TO SIGN GRANT OF CONSERVATION EASEMENTS AND DECLARATION OF RESTRICTIVE COVENANTS BETWEEN TOWN AND BRIAN BONSIGNORE FOR PROPERTY AT 2483 HUNTERBROOK ROAD
RESOLUTION #061

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

BE IT RESOLVED that the Town Supervisor is authorized to sign Grant of Conservation Easements and Declaration of Restrictive Covenants between the Town of Yorktown and, Brian Bonsignore for the property located at 2483 Hunterbrook Road, Yorktown, New York and any documents required to effectuate such documents to be recorded with the Westchester County Clerk.

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

AUTHORIZE PARKLAND ALIENATION FOR PARCEL FORMERLY KNOWN AS
ARDIZZONE – EAST MAIN STREET, TAX IDENTIFICATION: SECTION 15.12, BLOCK 2,
LOT 52
RESOLUTION #062

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

WHEREAS, June 16, 2015, the Town Board approved a resolution granting an access and use license to Old St. Georges, LLC to construct a parking area on a 6,227.31 square foot area (“Parcel A”) of parkland known as the former Ardizzone parcel (“the park”); and

WHEREAS, as a condition of the license, Old St. Georges, LLC is required to convey to the Town of Yorktown a 6,227.03 square foot parcel (“Parcel B”) which is part of a property listed in the Town of Yorktown Tax Rolls as Section 15.12 Block 2 Lot 53 and which is located adjacent to the park; and

WHEREAS, the construction of the parking area on Parcel A will result in access to the park in compliance with the use and license agreement; and

WHEREAS, the conveyance of Parcel B to the Town of Yorktown will result in no reduction in size of the park; and

WHEREAS, as Parcel B is located adjacent to the Lake Mohegan Outlet and the preservation of the Lake Mohegan Outlet will provide greater preservation of wetlands, riparian corridor habitat and recreational opportunities than what presently exists on Parcel A; and

WHEREAS, as a further condition of the license agreement, Parcel A would be conveyed to Old St. Georges, LLC upon the Town of Yorktown obtaining New York State legislature approval to alienate Parcel A; and

WHEREAS, a public hearing was conducted on June 16, 2015 pertaining to the alienation and public comment was fully considered and the public hearing closed; and

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be a Type I action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; 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 finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

BE IT FURTHER RESOLVED THAT, the Town Board authorizes the Town Supervisor to execute the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED THAT, that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies to; Counsel’s Office at the New York State Office of Parks, Recreation and Historic Preservation, State Senator Terrence Murphy and State Legislator Kevin Byrne.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE YORKTOWN
GRANGE FAIR ASSOCIATION FOR 2017 SUMMER CAMP PROGRAMS
RESOLUTION #063

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

BE IS RESOLVED that the Town Supervisor is authorized to sign the agreement with Yorktown Grange Fair Association, Inc. for the 2017 summer day camp programs.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH CONSTELLATION
NEWENERGY, INC TO PARTICIPATE IN THE MUNICIPAL ENERGY PROGRAM TO
REDUCE ELECTRIC AND GAS UTILITY COSTS
RESOLUTION #064

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

Resolved that the Town Board authorizes the Supervisor to sign an agreement to renew the contract between the Town of Yorktown and Constellation NewEnergy, Inc. so that the Town continues to participate in the municipal energy program realizing reduced electric and gas utility costs. The contract will be for a two-year period commencing February 1, 2017 ending February 25, 2019.

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT
WITH WORLD MANAGEMENT SERVICES FOR PETROLEUM BULK STORAGE
COMPLIANCE AND INSPECTION
RESOLUTION #065

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

Whereas, The Town Engineer solicited proposals for professional services for the following scope of work: perform an inspection and audit at the following locations: (1) Yorktown Police Department; (2) Refuse & Recycling/Central Garage/Records Center Facility; and (3) Wastewater Treatment Plant. Also includes a report that summarizes the conditions found and any follow-up work that needs to be done.

The work of the agreement will confirm the Town of Yorktown is in current compliance with all rules and regulations of the Westchester County Health Department. Should any remedial work be necessary, the selected firm will assist the Town with defining the work scope to be done and coordinate with inspection personnel from the WCHD.

In accordance with the Town of Yorktown procurement procedures, proposals were solicited from two (2) firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were World Management Services and D&B Engineers and Architects P.C.

In the professional opinion of the Town Engineer, World Management Services provided the best overall proposal and the lowest cost to the Town.

The proposal for services to be provided by World Management Services as described above will be for a lump sum contract amount of \$2,500.

Now, Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with World Management Services for the scope of work as described in preceding section and the not-to-exceed amount of \$2,500.

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

AUTHORIZE THE SUPERVISOR TO SIGN THE UTILITY AND CONSERVATION EASEMENTS WITH LAKE MOHEGAN MANSION, LLC
RESOLUTION #066

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

Be It Resolved that the Town Supervisor is authorized to sign a Utility Easement Agreement, and Conservation Easement, between the Town of Yorktown and Lake Mohegan Mansion, LLC for the subdivision known as Fieldstone Manor and any documents required to effectuate such documents to be recorded with the Westchester County Clerk.

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

AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT AMENDMENT TO THE CONTRACT AGREEMENT WITH ELQ INDUSTRIES, INC. – EMERGENCY REPAIR/REHABILITATION OF THE CROTON HEIGHTS ROAD CULVERT
RESOLUTION #067

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

Whereas:

1. On 4/28/15, the Town Board passed a resolution that authorized the Town Supervisor to sign an agreement with ELQ Industries Inc., for emergency repair work of the culvert on Croton Heights Road near the intersection of Route 118. The resolution dictated the work be performed on a time and material basis and covered expenditures of up to \$300,000. ELQ Industries 2015 bill rates were attached to the contract for labor rates/building trade professionals and for equipment rates.
2. The work was done by ELQ from September through December 2015. During the actual course of construction several items of work were uncovered or added to the project and resulted in additional construction cost:
 - Approximately 50 linear feet of extra guardrail provided in order to provide a smooth transition and connection to the existing guard rail;
 - An extra 2,000 square feet of paving was included to replace some adjacent asphalt surfaces that were degraded;
 - The work scope required the contractor to stockpile and re-use stone from the embankment; after the culvert was replaced another 60 cubic yards of stone was needed to complete the embankment restoration;
 - A historic stone wall that was in place during the original design was required to be replaced in-kind; an additional 200 cubic feet of stone for the rebuilt wall was needed beyond the base contract work;
 - A bypass pump was utilized to route the stream flow around the construction area while the culvert was being replaced; the work occurred during some wet weather months and required extra pump-outs and dewatering.
3. The construction work was supervised by a representative of the design engineer, Sells/Parsons Brinckerhoff. All of the daily worksheets were reviewed and approved by the firm and they also confirmed the unit prices were as per the contract rate schedules for labor and equipment. Certified payrolls were also provided for all work performed on site by ELQ. For the work performed by subcontractors, ELQ agreed to reduce their mark-up to 5 percent. When all the costs were tallied, there is a balance due ELQ of \$94,479.47.
4. In the professional opinion of the Town Engineer, ELQ Industries Inc., provided the extra services described herein and we recommend the Town Board approve the contract amendment as described herein.
5. The amount of this contract amendment, \$94,479.47, should be charged to cost code HC5110.200 (Capital Projects – Various Roads).

Now, Therefore Be It Resolved, that the Town Board authorizes the Town Supervisor to sign a Contract Amendment to the Contract Agreement with ELQ Industries Inc., for Extra Work Related to the Emergency Repair/Rehabilitation of the Croton Heights Road Culvert.

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

AUTHORIZE BOND RELEASE FOR PERMIT #FSWPPP-T-078-13 JEFFERSON VALLEY MALL SITE PLAN RESOLUTION #068

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

Whereas, Jefferson Valley Mall LTD as applicant, posted check #38113799 in the amount of \$5,000 to serve as the Stormwater Bond which was deposited into the T33 account on February 18, 2014 for permit #FSWPPP-T-078-13.

Jefferson Valley Mall LTD as applicant, posted check #38113801 in the amount of \$2,500 to serve as the Tree Bond which was deposited into the T33 account on February 18, 2014 for permit #FSWPPP-T-078-13.

Jefferson Valley Mall LTD as applicant, posted check #38113800 in the amount of \$2,000 to serve as Inspection Fees which was deposited into the T76 account on February 18, 2014 for permit #FSWPPP-T-078-13, with a reimbursable remaining balance of \$12.50.

EDC as applicant, posted check #18126 in the amount of \$22,126 to serve as the Performance Bond for the site work, which was deposited into the T33 account on September 11, 2015.

EDC, as applicant, posted check #18125 in the amount of \$10,000 to serve as the Erosion Control Bond for the site work, which was deposited into the T33 account on September 11, 2015, and currently are reimbursing \$7,500 of the Erosion Control money leaving a remaining balance of \$2,500.

A request has been made for monies to be released as the site is now complete.

The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released with the remaining \$2,500 held.

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies totaling \$37,138.50 be released as follows: \$7,512.50 be released to Jefferson Valley Mall LTD, P.O. Box 7033, Indianapolis, IN 46207, and \$29,626 be released to EDC, 1660 Huguenot Road, Midlothian, VA 23113.

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

MONTHLY REPORTS

The Town Board accepted the Building Department Cost of Construction Report 2017.

DURING COURTESY OF THE FLOOR, The following people spoke:

Susan Siegel, resident, wanted to know if there would be a resolution regarding the state parkland issue raised by Councilman Patel. She requested more information for the community regarding Granite Knolls. What is the total cost of the project? Is Spectra going to be paying for the building of the entire project? Is underground drilling going to take place at Legacy Field? What about the easements involved in the project? She also proceeded to question the sewer extensions for the approximately 450 homes in the Hallocks Mill Sewer District.

Mark Lieberman, resident, asked about and plans for the historic house on Route 132, the former Bernstein House, since it was purchased by Mr. Franzoso.

Ed Ciffone, resident, stated he feels he was not treated fairly when, in a past meeting, he was escorted out of the meeting by a police officer. He then questioned the decision about the budget and the open space issue because he feels it will raise taxes. Mr. Ciffone also stated that he disagrees with the new \$25 fee for use of the Town Board room.

Dan Strauss, resident, stated some of the town's parking lots should be patrolled more frequently so that people will not park in fire lanes. He also felt that the fire lanes should be repainted and signs posted since he feels there is a tragedy waiting to happen.

Gwen Blazer, resident of the Maple Brook development, complained that not enough information is being given to residents in the area regarding the Spectra pipeline.

Supervisor Grace addressed the above residents as follows:

The homeowners association for the Maple Brook development is supposed to be working with Spectra directly. If there is an indication that the town needs to mediate, they should be notified. Supervisor Grace said that if residents feel they are not getting adequate responses or information, please call him so he can get in touch with Spectra.

Supervisor Grace said, in response to Mrs. Siegel, that the permit for horizontal directional drilling did go through at Legacy Field. Most of the construction for the next leg of the pipeline is in Yorktown and there will be a drill head and they will use quite a bit of that site for construction purposes. It is strongly felt the location of a construction site and recreational use is not a good mix and, therefore, the Town is pushing ahead with the Granite Knolls Recreation Facility and a completion by the end of this year. The Town is looking to Spectra for funds, as well as others, to help with funding. Having the property surveyed will help make more clear the scope of the project. Councilman Bernard wanted to make clear that there may be some costs for the site design of the project, as well as the cost of using some Town employees and doesn't want the public to feel that they misspoke. Councilman Patel brought up the cost of maintaining the fields and how much that may cost the Town. Supervisor Grace stated that the benefit of the fields outweighs the maintenance issue; especially since this will be done with artificial turf. He stated that Yorktown will become a premier location in Westchester, if not other areas, for sporting events.

Supervisor Grace explained the East of Hudson funds again so that the issue of cost for the improvements to Hallocks Mill Sewer District will be a nominal cost to the residents affected. The SPEDES permit changed he spoke about earlier created and additional 300,000 to 400,000 extra gallons per day which allows the Town to sewer a good portion of the properties which were always intended to be sewered. Collection infrastructure is the expensive portion. In order to get DEP and DEC to consent to an amended permit, the Town presented to them a long term maintenance and rehabilitation plan for pump stations within the NYC watershed property. The Town has gotten a very tentative budget for this of about \$16-20 million with contingencies (\$10 million East of Hudson funds, \$10 million bonded over the lifetime of the intended structure). At this point, Supervisor Grace feels the Town can do it for a per capita rate of \$30 per year with the proper bonding and financing. The financial portion of this has been resolved. Part of the plan is shedding Jefferson Park homes out of Hallocks Mill District and into county districts and bringing the Chelsea homes into the Hallocks Mill District and out of the county.

The Bernstein House was not sold on condition that it would be restored but that the purchaser would make his best efforts. Unfortunately, the house was too far gone and beyond restoration. The owner will probably take it down and build a new home.

Supervisor Grace stated that Mr. Ciffone's freedom of speech was not prevented. Supervisor Grace stated that it is not a right to be placed on the Town board unless there is an application before the Board. Although he had no application or played any part in the new Highway Garage project, Mr. Ciffone was invited to speak before the Board regarding the petition he stated he had opposing the project. He was asked for the petition but told the Board he would not turn them over because he feared retaliation by the Board against the signers. Supervisor Grace stated he took great exception to the implication of wrongdoing or unsavory behavior by the Board member and asked Mr. Ciffone to leave. Mr. Ciffone did neither and was escorted from the room by a police officer. As far as the open space issue and the budget, there is no open space the Town is looking to purchase and is having a hard time trying to maintain the open spaces that

the Town owns. The Town is done paying off the bonds that were used to buy open space and to continue collecting the \$30 per capita tax made no sense. This does not mean the Town cannot purchase open space in the future; it can be collected again and the money would be better spent on infrastructure projects that are much needed. Councilman Patel stated that there are many other projects that should also be addressed, such as the leaks in Town Hall. He feels that removing the \$30 tax should be put to ballot. Councilman Lachterman said that why should they discontinue the ability to collect the money by ballot and then have to go back to ballot in order to collect it again?

Mrs. Siegel asked if the Town Board is planning to put the sewer extension of the approximately 450 unsewered homes and the cost of replacing the pump station all into one financing package. Supervisor Grace said this is difficult to explain but there is \$10,000,000 sitting down county for the Town to use because the State is pushing for more clean water grant money so there may be more money forthcoming from that area. He then proceeded to explain to Mrs. Siegel how they derived the estimated amount of \$30 per capita. Councilman Bernard said that the Board is looking to finance things a little more creatively than just going to an outright bond. Mrs. Siegel stated that the different groups that are affected by this project all have very different questions that will need to be addressed.

Supervisor Grace stated that Code Enforcement Officer Jason Zeif will be addressing the fire zone issue that Mr. Strauss raised as part of his new responsibilities.

Mr. Ciffone asked if the Senior Advisory Committee will be subject to the \$25 board room fee and was told by Supervisor Grace that the Advisory Committee was created and sanctioned by the Town Board and is not subject to the fee.

It was decided that the lease agreement for the new town sign would be contingent upon Councilman Patel receiving information that would answer his questions. This will be addressed at the next Board meeting.

Town Attorney Michael McDermott addressed the new fee and insurance requirement for use of the Town Board room by saying that it is considered theft of public funds and the insurance requirement protects the Town. It also gives better control of what is happening on town property. It helps to insulate the Town from possible litigation.

ADJOURN

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

Diana L. Quast, RMC, Town Clerk
Town of Yorktown