

Meeting of the Town Board, Town of Yorktown held on January 10, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

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

Absent: Vishnu V. Patel, Councilman

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

COMMUNITY SIGN

Eric DiBartolo, President, Yorktown Chamber of Commerce stated that the Chamber would like to place a LED sign by the brick wall that is now in front of the Chase Bank Building in the Triangle shopping center across from the Shell Gasoline Station at the intersection of Route 35 and Commerce Street. He stated that all of the other signs that are in the area would be removed and just the LED sign would be put up and used for community events, emergencies announcements, and community outreach, etc. The Town Board would like to do a site visit and have a mock sign put up to see what it would look like.

714 SAW MILL RIVER ROAD

Joseph Riina, Engineer, Site Design Concepts explained that the property located at 714 Saw Mill River Road was granted a rezoning many years ago and now the owner would like to change over a storage garage on the property over to a one bedroom apartment. The owner's request is to amend the original rezoning resolution to change the existing storage unit into a one bedroom apartment. The Town Board agreed to hold a public hearing on this request.

SET PUBLIC HEARING FOR 714 SAW MILL RIVER ROAD RESOLUTION #010

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 7th day of February, 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the request from Teddy Ricciardella, LeGrand Group, LLC to amend a previously approved site plan 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.

A copy of the proposed Amended Site Plan is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website at www.yorktownny.org.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

FRONT STREET CONCEPT PLAN

Joseph Riina, Engineer, Site Design Concepts, and George Roberta, applicant, presented a concept plan for property that Mr. Roberta owns on Front Street. The plan is for a single story building, and a two-story building for commercial and residential uses. The Town Attorney advised he has not been able to ascertain who owns the paper road located in that area. The

Town Board advised the applicant to file a rezoning application with the Town Clerk. The Town Board would also like the property owners that are contiguous to this property notified of the proposed changes.

REFERRAL TO ENGINEERING – BONIELLO (#FSWPPP-088-16)

RESOLUTION #011

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

Be It Resolved that the application made by Anthony Pisarri, P.E. on behalf of the owner, Gus Boniello, for a Stormwater Pollution Prevention Plan (#FSWPPP-088-16) in connection with the construction of a single-family home located on Crompond Road, Yorktown Heights, NY 10598 is hereby referred to the Town Engineer for issuance of all necessary permits.

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

INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD

Town Attorney Michael McDermott along with members of the Industrial and Commercial Incentive Board discussed with the Town Board their draft report. The draft report made several recommendations and included a proposed local law to establish a 485B program for commercial properties. The Town Board agreed to accept the draft report as the final report and refer out the proposed local law.

ACCEPTANCE OF DRAFT REPORT FROM INDUSTRIAL & COMMERCIAL INCENTIVE BOARD

RESOLUTION #012

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

Be It Resolved that pursuant to Town Code Article IX §10-36 the Town Board accepts the Draft Report from the Industrial and Commercial Incentive Board dated January 9, 2017 and having no comments pursuant to Town Code Article IX §10-37 directs that the Industrial and Commercial Incentive Board issue a Final Report to be delivered to the Town Board.

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

REFERRAL OF LOCAL LAW INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD

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

Resolved, that the Town Clerk is hereby authorized to refer a proposed Local Law adding a new Chapter entitled “BUSINESS IMPROVEMENT EXEMPTION LAW” to the agencies listed below.

The Town Board would like your comments sent or emailed to the Town Clerk at dquast@yorktownny.org on or before February 1, 2017, now

Therefore Be It Resolved, the Town Board declares its intent to act as Lead Agency.

To: United States Senator Kirsten Gillibrand
United States Senator Charles Schumer

United States Congresswoman Nita Lowey
United States Congressman Sean Patrick Maloney

New York State Governor Andrew Cuomo
New York State Senator Terrence Murphy
New York State Assemblyman Kevin Byrne

Westchester County Executive Robert Astorino
Westchester County Legislator Chair Michael Kaplowitz
Westchester County Legislator John Testa

Commissioner Ed Buroughs Chair Cheryl Winter Lewy	Westchester County Planning Westchester County Planning Board
Town Clerk JoAnn Dyckman Town Clerk Mary Deems Town Clerk Mary Ann Roberts Town Clerk Sherry Howard Town Clerk Patricia Kalba	Town of Cortlandt Town of New Castle Town/Village of Ossining Town of Putnam Valley Town of Somers
Superintendent Ralph Napolitano Superintendent George Stone Superintendent Raymond Sanchez Superintendent Edward Fuhrman	Yorktown Central School District Lakeland School District Ossining School District Croton on Hudson School District
President Eric DiBartolo	Yorktown Chamber of Commerce
Co-Chair Phyllis Bock Co-Chair Diane Dreier Chair Richard Fon Chair Gordon Fine	Yorktown Conservation Board Yorktown Planning Board Yorktown Zoning Board of Appeals
All Department Heads	Town of Yorktown

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

**SPECIAL USE PERMIT – STONE ROSE RESTAURANT
RESOLUTION #013**

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

WHEREAS, pursuant to Yorktown Town Code Article IX, the Yorktown Town Board approved a site plan for the Jefferson Valley Mall located at 650 Lee Boulevard, Yorktown Heights, New York, also known as Section 16.12, Block 1, Lots 24 & 25, by Resolution #455 on October 15, 2013; and

WHEREAS, the Stone Rose Restaurant (the “Applicant”) has applied for a special use permit to allow outdoor dining, pursuant to Town Code Section §300-80: Sidewalk cafes, adjacent to the restaurant’s space at the Jefferson Valley Mall; and

WHEREAS, in support of this application, the Applicant has submitted a plan, Sheet A-2-0, titled “Proposed Floor Plan,” prepared by Sir James L. Robinson, R.A., dated June 29, 2016; and

BE IT HEREBY RESOLVED, that outdoor dining for up to twenty (20) seats shall be permitted adjacent to the Stone Rose Restaurant provided the following conditions are met:

1. Permission is granted by the Jefferson Valley Mall to allow outdoor dining adjacent to the Stone Rose Restaurant; and
2. A final layout, including a fence or other physical barrier enclosing the outdoor dining area as deemed appropriate by this Board, is submitted to the Town; and

RESOLVED, the Applicant shall properly maintain the outdoor dining area and approved fence or other physical barrier as noted above, at all times; and

RESOLVED, that outdoor dining consisting of up to twenty (20) seats is the sole activity permitted by this resolution. All other activities such as live entertainment and dancing are prohibited outside of the building; and

RESOLVED, recorded music amplified at levels greater than associated with background dining room music shall be prohibited; and

RESOLVED, the only additional signage allowed for the seating area shall be a sign indicating patrons should wait to be seated and any other signage is prohibited without prior approval by the Town Board; and

RESOLVED, no food or beverage preparation shall be permitted to occur outside the restaurant; and

RESOLVED, no food or beverage service or consumption shall be permitted to occur outside the delineated boundaries of the outdoor dining area; and

BE IT FURTHER RESOLVED, this special use permit is contingent on strict compliance with the provisions of this resolution and all applicable Town Ordinances. This Board reserves the right to revoke this permit for reasons of non-compliance, including but not limited to parking not being kept on-site, as stated in Section §300-33 of the Town Code, and as otherwise provided for under the approvals governing this site; in addition failure to comply with any of the aforementioned will result in a letter providing the Applicant with notice to appear before the Town Board which notice will be sent ten (10) days prior to such meeting/hearing and which notice will advise the Applicant that the Town Board will consider at that meeting a resolution rescinding and/or amending that special permit.

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

REFERRAL OF PROPOSED LOCAL LAW - MASTER FEE SCHEDULE
RESOLUTION #014

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

RESOLVED, that the Town Clerk is hereby authorized to refer out a Proposed Local Law amending the following sections of the Town Code: Section 15-16; Section 105-8A and B; Section 105-10A; Section 115-33; Section 124-3; Section 138-5; Section 155-4(A)(4); Chapter 168; Section 171-6; Section 195-39(A); Section 213-2; Section 219-7; Section 219-13F; Section 245-7; Section 245-8; Section 248-11; Section 248-11; Section 277-3C; Section 300-38C(1)(d); Section 300-59E(2); Section 300-59E(3); Section 300-62I; Section 300-69C(9); Section 300-80C(12); Section 300-81.3E; Section 300-193.3G; Section 300-196D; Section 300-196E(1). This is a revision to a referral sent on November 22, 2016.

The Board would like your comments sent or emailed to the Town Clerk at dquast@yorktownny.org on or before February 1, 2017.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

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

AUTHORIZATION FOR BUDGET TRANSFER TO FUND WORKERS' COMPENSATION
RESOLUTION #015

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

Be it resolved that the Town Board authorizes the Budget Transfers listed below to fund Workers' Compensation to 12/31/16:

From: A9000.811 General Fund Retirement
To: A9901.900 General Fund Transfer to Workers' Compensation
Amount: \$169,821.31

From: D9000.811 Highway Retirement
To: D9901.900 Highway Transfer to Worker's Compensation
Amount: \$160,401.03

From: SR9000.811 Refuse Retirement
To: SR9901.900 Refuse Transfer to Workers' Compensation
Amount: \$24,730.53

From: YS9000.811 Sewer Retirement
To: YS9901.900 Sewer Transfer to Workers' Compensation
Amount: \$9,078.44

From: SW9000.811 Water Retirement
To: SW9901.900 Water Transfer to Workers' Compensation
Amount: \$12,073.14

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

AUTHORIZATION TO SIGN PROFESSIONAL SERVICE AGREEMENT – DRINKING
WATER FLUORIDATION PROJECT – ARCADIS OF NY, INC.
RESOLUTION #016

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

WHEREAS,

1. The Town recently was the recipient of a grant in the amount of \$19,444 awarded by the New York State Department of Health under their Drinking Water Fluoridation initiative. The grant program is intended to reimburse communities that wish to undertake planning studies that evaluate the feasibility of adding fluoridation to drinking water supplies.
2. The Town Engineer solicited proposals for professional services for the following scope of work: (1) Perform a review of the existing system supply and water demands and review the existing site conditions; (2) Assess the feasibility of adding fluoridation and evaluate the options for chemical feed, pumping, treatment and monitoring of the drinking water distribution network; (3) Prepare an engineering report that summarizes the conditions as they currently exist, describes the alternatives that were evaluated and makes recommendations on whether it is feasible to move forward with this concept.
3. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were Arcadis of New York, Inc., Manganaro Engineers and WSP/Parsons Brinckerhoff.
4. In the professional opinion of Town Engineer, Arcadis of New York, Inc., provided the best overall proposal and the lowest cost to the Town. As previously noted, the entire cost of this project, \$19,444, will be 100 percent funded by a grant that is being received from the New York State Department of Health.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign a professional services agreement with Arcadis of New York, Inc., for the scope of work as described in preceding section and the not-to-exceed amount of \$19,444.

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

AUTHORIZATION TO SIGN PROFESSIONAL SERVICE AGREEMENT – SCADA
COMPUTER UPGRADE FOR WATER POLLUTION CONTROL PLANT – WOODARD &
CURRAN
RESOLUTION #017

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

WHEREAS,

1. The Town Engineer solicited proposals for professional services for the following scope of work: (1) Furnish and install two desktop computer workstations for SCADA, one in the Administration Building (Ed Mahoney's office) and one in the

Membrane Microfiltration Building; and (2) Provide up to two days on-site start up and testing of the new systems. Note: the new setup will replace an older configuration that consisted of two computer workstations based on Windows XP, which is no longer a supported software platform.

2. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were Woodard & Curran Engineering PC, GHD Consulting Services Inc. and Arcadis of New York, Inc.
3. The professional engineering services to be provided by Woodard & Curran will be performed for a lump sum in the amount of \$25,993. The Agreement will also include an allowance in the amount of \$2,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm's normal hourly rate schedule that will be included as part of the Agreement.
4. The Department will use available funds for the purchase, however we need the Town Comptroller to make the following 2017 budget transfer:
 - a. Move \$10,057 from Account #YS.8130.0418.0002 Equipment Maintenance/DEP to YS.8130.202 Computer Equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the budget transfer noted above. Further that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Woodard & Curran Engineering, PC for the scope of work as described in the preceding section and not-to-exceed the amount of \$27,993.

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

EXTEND SERVICES OF CARY VIGILANTE FOR BROADCASTING SERVICES
RESOLUTION #018

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

RESOLVED, the Town Board has extended the services of Cary Vigilante for broadcasting services from January 1, 2017 through December 31, 2017 at a rate of \$550.00 per month.

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

AUTHORIZE COMPTROLLER TO REIMBURSE TUITION – POLICE OFFICER JOHN
DOHERTY
RESOLUTION #019

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

WHEREAS, the Yorktown Police Department would like to reimburse Police Officer John E. Doherty for courses he is taking towards his Master's Degree in Public Administration;

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Yorktown hereby authorizes the Town Comptroller to reimburse Officer Doherty in the amount of \$2,307.81 upon satisfactory completion of his courses.

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

BOARD ROOM RESERVATIONS

Town Attorney McDermott stated that he is concerned with the liability of someone using the Town meeting room particularly on weekends and nights when there is no staff present. He suggested a fee of \$25.00 per use of the room, a revised application and a requirement of an insurance certificate.

TOWN BOARD MEETING ROOM USE POLICY

RESOLUTION #019A

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

Resolved, that the Town Board hereby adopts a policy for use of the Town Board Meeting Room by requiring an application, a fee of \$25.00 and an Insurance Certificate as set forth on the attached reservation form.

Bernard, Diana, Lachterman Voting Aye
Grace Recused himself from the vote.
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss the contract negotiations.

ADJOURN

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

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