

Meeting of the Town Board, Town of Yorktown held on July 8, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney
Patricia Caporale, Town Comptroller
Brian Gray, Parks and Recreation Superintendent
David Paganelli, Highway Superintendent
John Winter, Building Inspector
Jason Zeif, Code Enforcement Officer
Kim Angliss Gage, Refuse & Recycling Coordinator

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss negotiations, personnel and litigation.

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved out of Executive Session.

TEXTILE RECYCLING PROPOSED LOCAL LAW

Town Attorney Jeannette Koster and Kim Angliss Gage, Refuse & Recycling Coordinator were present to review with the Town Board a proposed local law to create a Textile Recycling Program in the Town. Director of Planning John Tegeder stated that the Planning Board could issue special use permits and an annual fee and application would be needed to have a textile bin on your property. The Town Board made changes to the proposed local law and will review it at a later date.

RENEW COLLECTION OF RESIDENTIAL REFUSE & RECYCLING BID RESOLUTION #296

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

WHEREAS, the current Town contract for the “Collection and Disposal of Residential Refuse & Recyclables Materials” with Frontline Waste Management Corp d/b/a Competition Carting, Inc., expires on December 31, 2014; and

WHEREAS, the Coordinator of Refuse & Recycling has evaluated Frontline Waste Management Corp d/b/a Competition Carting, Inc., performance during the initial term of the contract, finds the performance to be satisfactory and recommends to the Town Board that it exercises its option to renew the contract for a one-year term on the same terms and conditions as the original contract;

RESOLVED, that the Town Board elects to exercise its option to extend the “Collection and Disposal of Residential Refuse & Recyclables Materials” contract with Frontline Waste Management Corp d/b/a Competition Carting, Inc., for a one-year term beginning January 1, 2015 and ending December 31, 2015.

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

COMPETITION CARTING – PERMIT FOR FRONT STREET RESOLUTION #297

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

RESOLVED, the Town Board directs the Town Attorney to write a letter to Competition Carting informing them that they must remove their vehicles from the Front Street lot or obtain a special permit from the Zoning Board permitting vehicle storage.

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

BJ'S SHOPPING CENTER

David Steinmetz, attorney for applicant was present to request that the Town Board review a proposed change to the BJ's shopping center. The changes include adding a gas station and retail store to parking lot area. The Town Board requested the applicant put in an application and move forward with the project.

YORKTOWN SENIOR LIVING

David Steinmetz, attorney for applicant was present to request the Town Board review a proposed senior living complex on East Main Street in Mohegan Lake. The Town Board discussed running the proposed Route 6 bypass through part of the property and linking the roadway to have access off of Lexington Avenue instead of Strawberry Road. The applicant agreed to look into this and will come back to the Town Board at a later date.

2358 BROAD STREET

This item was not discussed.

WATER DEPARTMENT – REQUEST TO HIRE AN ARCHITECT FOR ROOF REPLACEMENT

David Rambo, Water Distribution Superintendent, was present to request the Town Board approve an architect be hired to draw up plans to replace the roof on the brick building located on the Water Department property. Councilman Murphy asked why a roofing Company was not called in to do the work. Superintendent Rambo stated that there is asbestos in the shingles. Councilman Murphy stated that to keep the costs down he would like Superintendent Rambo to contact a roofer and get a price quote on replacing the roof. The money saved from not hiring an architect can be used if asbestos abatement is needed.

WATER DEPARTMENT – REQUEST TO PURCHASE ONE VEHICLE RESOLUTION #298

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

WHEREAS, it is the intention of the Water Distribution Superintendent to purchase one 2015 dark blue (blue jean) Ford F250 Pickup Truck as specified in the Westchester County contract #RFB-WC-13330 for Pickup Trucks 2014/2015 Model Year and,

WHEREAS, monies have been allocated in the 2014 Water Department budget for the purchase of one new pickup truck and,

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the Yorktown Water Department to purchase one 2015 Ford F250 Pickup Truck off of the Westchester County Contract #RFB-WC-13330 for Pickup Trucks 2014/2015 Model Year from Vance Country Ford located in Mamaroneck, NY for a total of \$27,922.25 broken down as follows:

• 2015 Ford F250 4x4 Base w/ all standard factory equipment	\$22,773.00
• X4M 430 Limited Slip (rear)	\$ 370.50
• 67D 200 AMP Alternator	\$ 71.25
• Trailer Brakes	\$ 118.75
• Bed Liner	\$ 475.00
• Light Bar	\$ 3,995.00
• TBM All Terrain Tires	<u>\$ 118.75</u>
	\$27,922.25

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

APPROVE THE PURCHASE OF NEW VEHICLES – HIGHWAY DEPARTMENT
RESOLUTION#299

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

Be it resolved that the Comptroller is hereby authorized to transfer \$720,000 from the General Fund - Fund Balance for the purpose of purchasing 4 (four) Freight Liner trucks with Henderson Bodies for the Highway Department.

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

REQUEST TO CHANGE STREET NAME IN NEW SUBDIVISION – GAY RIDGE ROAD

Several residents who live in the new subdivision of Gay Ridge Road were present to request that the name of the street be changed to Winchester Court. They explained that it is a new subdivision and should have a different name. The Town board agreed to look into this and asked the residents for three new names for the road.

Councilman Murphy asked if the roadway coming in to the development can be kept open so that residents did not have to travel through all of Gay Ridge Road. Director of Planning John Tegeder stated that the road coming in from Route 6 is supposed to be closed off with a gate and used for emergency access only. Highway Superintendent Dave Paganelli stated he would take a look at the road and see if it is possible for the Town to take over the road.

PROPERTY MAINTENANCE - VACANT PROPERTIES – CODE ENFORCEMENT
RESOLUTION #300

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

WHEREAS, the Building Code Enforcement Officer and Building Inspector have informed the Town Board at a duly noticed Town Board meeting on July 8, 2014, that certain parcels of real property located in the Town, located at the following addresses:

3474 Gomer Street

3407 North Deerfield Avenue

have property maintenance conditions that constitute violations of the Property Maintenance Code (Chapter 225 of the Town Code) due to the failure of persons responsible for those properties (i.e., the owner of record, any other person who holds an interest in said real property and/or any person who controls or has a legal right pursuant to statute or contract to control said real property, the term “person” including any business entity recognized by State law)(hereafter referred to as the Responsible Person) to maintain the exterior landscaping; and

WHEREAS, several violations have been served upon Responsible Persons as required by law by the Building Code Enforcement Officer and the time to remedy the conditions having passed with no response made to such violations, and no remediated has occurred to date; and

WHEREAS, numerous complaints have been received by the Building Department concerning such properties;

WHEREAS, Chapter 225 of the Town Code provides an enforcement mechanism that may be utilized by the Town if a person responsible for maintaining a property does not remediate a property maintenance violation within a reasonable time;

NOW THEREFORE, BE IT RESOLVED, it is hereby determined by the Town Board that said properties are in blighted condition and the blighted conditions have not been corrected despite the issuance of violations; and be it further

RESOLVED, that the Town Board directs the Building Inspector to give notice to the owner of each property, and to any other person who has notified the Tax Receiver that he is responsible for the taxes on said property, that if the condition is not remedied in 10 days, the

Town will proceed under Section 225-6 to correct the condition and will cause the amounts expended by the Town upon the property to become a lien against the property if not paid.

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

AUTHORIZE SUPERVISOR TO SIGN A LICENSE AGREEMENT WITH 3680 HILL BLVD REALTY TO PERMIT A FREESTANDING SIGN IN THE TOWN RIGHT-OF-WAY
RESOLUTION #301

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

RESOLVED, the Town Board authorizes the Supervisor to sign a license agreement in form satisfactory to the Town Attorney to permit applicant 3680 Hill Blvd LLC to install and maintain a freestanding sign on the Town's right of way adjacent to the parcel owned by the applicant at 3680 Hill Boulevard, Mohegan Lake, which shall meet the requirements of the Town's Zoning Code, Chapter 300, Article XX, and shall comply with the suggestions of the Planning Board set forth in its memorandum to the Town Board dated June 23, 2014.

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

Supervisor Grace left the meeting.

AMEND ETHICS LAW – FINANCIAL DISCLOSURE REQUIREMENTS ADDING
DEPUTY COURT CLERK

Town Attorney Jeannette Koster explained that the Court Clerk requested that the Deputy Court Clerk be added to the list of employees who have to fill out an Ethics Financial Disclosure Form. The Town Board asked that the Court Clerk come to a work session to discuss this issue.

REQUEST FROM YORKTOWN HISTORICAL SOCIETY TO EXEMPT THEM FROM FEES
FOR USE OF NUTRITION CENTER AT YCCC
RESOLUTION #302

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

Resolved, that the Town Board hereby exempts the Yorktown Historical Society from the hourly fee and security deposit for the use of the nutrition room in the Yorktown Community Cultural Center.

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY OUT BARBARA FORBES CASH VALUE OF
UNUSED TIME AND PRORATED LONGEVITY AS OF RETIREMENT DATE
RESOLUTION #303

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Barbara Forbes the cash value of unused time and pro-rated longevity as of her retirement date:

Rate of Pay: \$32.2233 hourly

Sick	1078.75 hours @	50%	=	539.38 hours
	539.38 hours x	\$32.2233	=	\$17,380.61
Vacation	Total Hours 129			
	101.5 hours x	\$32.2233	=	\$ 3,270.67
Grandfathered	27.5 hours x	\$20.92	=	\$ 575.30
Personal Days	9.5 hours x	\$32.2233	=	\$ 306.13
Floating Holiday	14. hours x	\$32.2233	=	\$ 451.13

$$215 \text{ days} \times \$ 5.36 = \$ 1,152.40$$

Total	\$23,136.24
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Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

L.909.8 Library Fund Reserve for Employee Accrued Benefits

To:

L.7410.108 Library Lump Sum Payments

Amount:

\$23,136.24

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

AWARD BID – COMPUTER NETWORKING EQUIPMENT
RESOLUTION #304

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

Whereas, the Town solicited bids for the purchase of Computer Networking Equipment for the Town's computer system, and

Whereas, one bid was timely received, and said bid was opened Monday, July 7, 2014 pursuant to the published Notice to Bidders, and

Whereas the Bid amount is as follows:

Sullivan Data - \$47,001.82

With the following options

Option 1 - \$1,565.00

Option 2 - \$1,850.00

Option 3 - \$3,482.95

Option 4 - \$ 241.05

Option 5 - \$1,331.82

Now therefore be it resolved, that the Town Board hereby awards said bid to Sullivan Data.

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

ADVERTISE SECTION 8 FIVE YEAR HOUSING PLAN – SEPTEMBER 2, 2014
RESOLUTION #305

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

WHEREAS, the Section 8 Housing Choice Voucher Program is seeking to obtain Town Board approval of its proposed 5-Year Plan for fiscal year 2015-2019, and is required as per guideline of 24 CFR 903 to conduct a public hearing to consider all public comments;

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights on the 2nd day of September at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of opportunity for public comment and consider all public comments received on the plan;

A copy of the proposed Plan will be on file in the Office of the Town Clerk as well as the Yorktown Section 8 Office where it may be inspected during regular business hours. It may also be viewed on the Town's website at www.yorktownny.org.

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE WATER REFUND – 1500 JACOB ROAD – ACCOUNT #4102491473
RESOLUTION #306

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

RESOLVED, that upon recommendation of the Water Distribution Superintendent, a refund in the amount of \$55.43 shall be issued to Prasanna Krishnaprasad of 1500 Jacob Road, Cortlandt Manor, NY 10567, account #4102491473 for a billing penalty that was charged in error.

Bianco, Murphy, Patel Voting Aye
Resolution adopted.

Supervisor Grace returned to the meeting.

APPROVE SECTION 207-C STATUS - POLICE OFFICER JASON SWART
RESOLUTION #307

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on or about July 11, 2011; and

WHEREAS, Officer Swart requested in writing that he be granted General Municipal Law ("GML") Section 207-c status for twenty-six (26) days (August 16, 2011; October 1-2, 2011; December 29-30, 2011; February 10, 2012 (3 hours); February 12, 2012; February 17-20, 2012; February 23-26, 2012; February 29, 2012; March 1-3, 2012; March 6-9, 2012; and September 20-22, 2012) of missed work related to the injury to his right shoulder sustained on July 11, 2011;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for the twenty-six (26) days of missed work (August 16, 2011; October 1-2, 2011; December 29-30, 2011; February 10, 2012 (3 hours); February 12, 2012; February 17-20, 2012; February 23-26, 2012; February 29, 2012; March 1-3, 2012; March 6-9, 2012; and September 20-22, 2012) and medical treatment related to the injury to his right shoulder sustained on July 11, 2011, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

APPROVE SECTION 207-C STATUS - POLICE OFFICER JASON SWART
RESOLUTION #308

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on or about July 17, 2012; and

WHEREAS, Officer Swart requested in writing that he be granted General Municipal Law ("GML") Section 207-c status for three (3) days (July 17-19, 2012) of missed work related to the injury to his neck and back sustained on July 17, 2012;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for the three (3) days of missed work (July 17-19, 2012) related to the injury to his neck and back on July 17, 2012, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

APPROVE SECTION 207-C STATUS - POLICE OFFICER JASON SWART
RESOLUTION #309

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on or about October 13, 2011; and

WHEREAS, Officer Swart requested in writing that he be granted General Municipal Law ("GML") Section 207-c status for one (1) day (two tours on October 14, 2011) of missed work related to the injury to his neck and back sustained on October 13, 2011;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for the one (1) day (one tour) of missed work (October 14, 2011) related to the injury to his neck and back on October 13, 2011, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

SPECIAL ELECTION PROPOSED LOCAL LAW

The Town Board reviewed the proposed local law for Special Elections, the Town Board requested changes to the proposed local law and asked the Supervisor to work with the Town Attorney Jeannette Koster so that the Town Board can advertise it for a public hearing.

GENERATOR UPDATE

Daniel Ciarcia, Engineer was present to give the Town Board an update on the generator installation at the YCCC.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown