

Meeting of the Town Board, Town of Yorktown held on September 1, 2015 at the Mohegan Colony Association Beach, Oak Street, Mohegan Lake, New York 10547.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Susan M. Siegel, Councilwoman  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman

Also present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
John Tegeder, Planning Director

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

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

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

#### PLEDGE OF ALLEGIANCE

Supervisor Grace 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.

#### WELCOME

Mr. Lyle Puente, President of the Mohegan Colony Beach Association welcomed the Town Board members to the beach.

Mr. Ken Belfer, President of the Mohegan Lake Improvement District and a member of the Mohegan Colony Beach Association explained that the Improvement District includes 1500 tax parcels surrounding Mohegan Lake. The District has an operating budget of \$95,000 per year.

Mr. Belfer also spoke about condition of the Lake stating that in early June, the Westchester County Health Department closed the beach due to high levels of blue algae. But, as soon as the copper sulfate treatments began, they could see an immediate change to the water.

#### AUTHORIZE ADDITIONAL FUNDING FOR ALLIED BIOLOGICAL RESOLUTION #337

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

WHEREAS on June 9<sup>th</sup>, 2015, the Town Board authorized the Town Supervisor to enter into an agreement with Allied Biological to perform the following services: for the benefit of the Mohegan Lake Improvement District: apply chemicals to Mohegan Lake during the summer of 2015 and perform water testing and DEC reporting for each application, and

WHEREAS the agreed upon contract price is \$2,025.60 per application for a maximum expenditure of \$10,128.00 to be paid from the Mohegan Improvement District's funds, and

WHEREAS, the Mohegan Improvement District has requested an additional copper sulfate treatment,

RESOLVED, the Town Board authorizes the Town Comptroller to pay for the additional treatment at the contract price of \$2,025.60.

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

DURING REPORTS FROM THE SUPERVISOR, Supervisor Grace explained that the Town had received notice that the New York State Department of Environmental Conservation has prepared a draft permit and has made a tentative determination to issue a renewal for the Yorktown Sewer Department’s State Pollutant Discharge Elimination Systems (SPDES) permit with an upgrade in the amount of surface discharge. If approved, The Town of Yorktown would be able to issue sewer permits, something it has not been able to do in 28 years.

DURING REPORTS FROM THE TOWN COUNCIL,

Councilman Patel congratulated Ned Kleinsmith, Yorktown’s newest Eagle Scout.

Councilwoman Siegel also spoke about the new SPDES Permit.

Councilman Diana spoke about the 9-11 Ceremony which will be held at the monument in Shrub Oak at 4:30PM next week.

ACCEPT THE RESIGNATION OF JOSEPH MUIR  
RESOLUTION #338

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

RESOLVED, the Town Board congratulates Joseph Muir on his retirement

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

AUTHORIZE THE RETIREMENT PAYOUT FOR GEORGE CLEMENTE  
RESOLUTION #339

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay George Clemente the cash value of unused time as of his retirement date:

Rate of Pay:    \$47.2414 hourly

Compensatory Time	34.12 hours	x	\$47.2414	=	\$ 1,611.88
Personal Days	32.00 hours	x	\$47.2414	=	\$ 1,511.72
Holiday Pay	66.72 hours	x	\$47.2414	=	\$ 3,151.95
Vacation	224.00 hours	x	\$47.2414	=	\$10,582.07
Longevity					
\$2,175 / 240 days = \$9.06 per day					
03/07/15 to 08/21/15 = 109 days					
109 days	x	\$9.06		=	\$ 987.54
Total					\$17,845.16

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:            A909.8            General Fund Reserve for Employee Accrued Benefits  
To:                A3120.108      Police Lump Sum Payments  
Amount:        \$17,845.16

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

EXTEND PAVEMENT MARKING BID  
RESOLUTION #340

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

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 19, 2014

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Safety Markings, Inc., 460 Bostwick Ave., POB 38186, Bridgeport, CT 06605.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2015 through July 31, 2016.

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

EXTEND THE STREET LIGHT MAINTENANCE AND REPAIR SERVICES BID  
RESOLUTION #341

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

WHEREAS, invitation to bid for the Street Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on September 3, 2013

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Hanover Electric, 251 Underhill Ave., Yorktown Heights, NY 105989

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2015 through August 14, 2016.

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

EXTEND THE BID FOR TRAFFIC LIGHT MAINTENANCE AND REPAIR SERVICES  
RESOLUTION #342

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

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on September 3, 2013

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Verde Electric, 89 Edison Ave., Mt. Vernon, NY 10550,

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2015 through August 14, 2016.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LAND COMMUNICATIONS, INC.  
RESOLUTION #343

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with Land Communications, Inc., for the maintenance of telephone equipment and telephone system at the Police Department (also includes the EOC phone system), from October 1, 2015 through September 30, 2016, in the annual amount of \$2,161.50.

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

AUTHORIZE THE PLANNING DEPARTMENT TO APPLY FOR A GRANT ADMINISTERED BY THE HUDSON RIVER VALLEY GREENWAY  
RESOLUTION #344

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

WHEREAS, the Town of Yorktown is applying to the Hudson River Valley Greenway for a grant under the 2015 Greenway Conservancy Trail Grant Program for a project entitled Trailway Connection to FDR Park to be located in Yorktown; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located; and

WHEREAS, this application is to request funding in the amount of \$10,000 to support the construction of the trailway project; and

WHEREAS the Greenway Conservancy Trail Grant Program requires a 50% local match; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Yorktown hereby does approve and endorse the application for a grant under the 2015 Greenway Conservancy Trail Grant Program, for a project known as Trailway Connection to FDR Park and located within this community.

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

APPROVE A BUDGET TRANSFER FOR THE TOWN ATTORNEY  
RESOLUTION #345

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

BE IT RESOLVED, the following budget transfer in the Town Attorney's 2015 budget is hereby authorized:

\$10,000.00 from A1420.0424.0001 (Non-Retainer Tax Certs) to A.1420.0425.0001 (Labor Non-Retainer)

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

AUTHORIZE SUPERVISOR SIGN AGREEMENT -AROLD CONSTRUCTION COMPANY  
RESOLUTION #346

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

RESOLVED, the Town Supervisor is authorized to sign a contract with Arold Construction Company, Inc. for reconstruction work on Baptist Church Road, procured without competitive bidding due to the emergency nature of the project, to be paid on a time and materials basis at the rates set forth plus 10% overhead and 10% profit, for a total cost not to exceed a total of \$900,000.

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

AWARD BID FOR LEAK DETECTION  
RESOLUTION #347

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

WHEREAS, the Yorktown Consolidated Water District sought bids, through the competitive bidding process, for professional leak detection services on the Town's 174 miles of water main; and

WHEREAS, one bid was received and opened on June 17, 2014; and

WHEREAS, the bid was awarded to New York Leak Detection Inc. for one year to July 21, 2015 with an option of two (one) year extensions; and

NOW THEREFORE BE IT RESOLVED, that upon recommendation of the Water Superintendent the New York Leak Detection Inc. contract is hereby extended for one year, per terms of the bid, to July 21, 2016.

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

APPROVE REFUND FOR DUPLICATE TAX PAYMENT  
RESOLUTION #348

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund \$1,908.16 for duplicate Town/County tax payments to Westchester Cable Television, account number 119530.

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

AUTHORIZE THE RELEASE OF FUNDS FROM THE T33 ACCOUNT  
RESOLUTION #349

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

WHEREAS Albert Capellini, as Attorney on behalf of Mongero Properties LLC posted a check in the amount of \$70,000 which was deposited into the T33 account on January 18, 2011 as per the "Cable Project" agreement signed by the Town of Yorktown and Mongero Properties LLC on December 10, 2010, and,

WHEREAS, the "Cable Project" is now complete and as per the "Cable Project" agreement monies are to be disbursed as follows:

AT&T	\$48,711.44
Albert Capellini	\$21,288.56

RESOLVED that the above described payments totaling \$70,000.00 be released from the T33 Trust account.

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

APPROVE CERTIORARI SETTLEMENT WITH CLARK FUNERAL HOME, INC.  
RESOLUTION #350

Upon motion by Councilman Bernard, seconded by Councilman Diana,

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.14 Block 2, Lot 71, located at 2104 Saw Mill River Road, Yorktown Heights, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.14-2-71, , Account Number 3609000, owned by Clark Funeral Home, Inc., for assessment roll years 2011, 2012, and 2013 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>Proposed Reduction</u>
2011	41,700	28,500	13,200
2012	41,700	29,250	12,450
2013	41,700	30,450	11,250

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

APPROVE CERTIORARI SETTLEMENT WITH ROBERT AND DOLORES LOIS  
RESOLUTION #351

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.08, Block 1, Lot 20, located at 691 East Main Street (aka 691 Route 6), Shrub Oak, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.08-1-20, Account Number 1873500, owned by Robert & Dolores Lois for assessment roll years 2011, 2012, 2013 and 2014 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>Proposed Reduction</u>
2011	37,750	29,500	8,250
2012	37,750	30,150	7,600
2013	37,750	32,550	5,200
2014	37,750	30,000	7,750

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

APPOINT CATHERINE RICHEY TO THE JOHN C. HART LIBRARY BOARD OF  
DIRECTORS  
RESOLUTION #352

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

RESOLVED, that Catherine Richey of Yorktown Heights, NY is hereby appointed to the John C. Hart Memorial Library Board of trustees for a five-year term to expire August 31, 2020.

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

AUTHORIZE THE TOWN ATTORNEY TO SIGN A SETTLEMENT AGREEMENT WITH  
MICHAEL SALITAN  
RESOLUTION #353

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

RESOLVED, the Town Board authorizes the Town Attorney to sign a settlement agreement with Michael Salitan that will substantially provide as follows:

1. Salitan will grant the Town a permanent easement and temporary easement in the dimensions required to build the retaining wall to support the road over the west culvert;
2. Salitan will grant the Town a license or temporary easement to the pond on his property;
3. The Town will dredge Salitan's pond and remove the silt from the property;
4. The Town's reconstruction of the retaining wall over the west culvert will include installation of a cut-granite veneer facing Salitan's property;
5. The parties will sign stipulations discontinuing the property damage case captioned Salitan v. Town (Index No. 6.../2012) and the condemnation case captioned Town v. Salitan (Index No. 60707/2015).
6. The parties will not admit liability or fault.
7. The parties will sign general releases.
8. The Town will not be responsible for the condition of the dam on Salitan's property.

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

DURING COURTESY OF THE FLOOR, the following people spoke:

Mrs. Maria Donadio, a resident of Jefferson Valley asked the members of the Town Board if there were any plans underway to make improvements in her area. Supervisor Grace explained that he has made several trips to the area with the Highway Superintendent in an effort to make some improvements. Councilwoman Siegel also stated that she has telephoned the manufacturer of a lamppost that was knocked down during Hurricane Sandy several times. She has not been able to get them to tell her when the lamppost will be shipped. A meeting on this issue will be scheduled in the future.

Mrs. Janice Donadio, also a resident of Jefferson Valley showed the Town Board photographs of the area surrounding Osceola Lake which appear to be in disrepair and unkempt.

Mr. Tom Maietto thanked Ken Belfer and the Town Board saying the application of the copper sulfate was what Mohegan Lake desperately needed. He also thanked Town Comptroller Patricia Caporale for helping him with the paper work for his beach district.

Mr. Ken Belfer thanked the Town Board for coming to the beach. He asked the members of the Board if something could be done about the traffic hazard that exists at the intersection of Amazon Road and Oak Street where there is very limited visibility.

Mr. John Tegeder asked the Town Board for permission to work on Community Development Block Grant (CDBG) Applications for sidewalks in the Heights area of Yorktown.

#### ADJOURN

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

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Alice E. Roker, Town Clerk  
Town of Yorktown