

Meeting of the Town Board, Town of Yorktown held on July 12, 2016 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: Maura Weissleder, Deputy 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 Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel issues and conduct interviews.

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

PUPPY MILL LEGISLATION

Dina Goren and Elana Goren came before the Board to discuss the proposed local law to amend Chapter 115 of the town code regarding “ANIMALS” which would prohibit pet stores to sell any dog or cat obtained from a commercial breeder. Supervisor Grace would like to see the definition of “commercial breeder” better defined and established in the proposed amendment so that it would tie into definitions that already exist in state law, as well as address the definition of a private breeder. Supervisor Grace also stated that he hopes our legislation can become a proper model for other communities, as well as Westchester County.

The question of who would be responsible for enforcing this legislation arose: police or code enforcement officer? It was discussed that it would be better for the Town’s Code Enforcement Officer be responsible for enforcing the law. A public hearing was scheduled for Tuesday, August 2, 2016.

ADVERTISE PUBLIC HEARING TO ADD A NEW ARTICLE TO CHAPTER 115 ENTITLED “ANIMALS” RESOLUTION #317

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

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, New York on the 3<sup>rd</sup> day of May, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider a proposed local law amending Chapter 115 of the Code of the Town of Yorktown entitled “Animals” by adding a new Article VII entitled “Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores.”

A copy of said proposed local law 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.

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

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

DRAFT OF LOCAL LAW TO AMEND SECTION 300-180 (PARKING SITE PLAN APPROVAL)

A discussion was held to amend the current local law in order to give the Building Inspector, John Winter, the necessary authority to issue notices of violation when the site plan regarding parking is not followed.

A public hearing will be set at the next Town Board meeting.

COLLECTION MONIES FROM INSURANCE CLAIMS

Town Attorney Michael McDermott presented a list of insurance claims (damage on town property – fire hydrants, telephone poles, stop signs, stone walls, etc.) which resulted in the collection of approximately \$30,000 for the Town.

At the mention of stone walls (above), Supervisor Grace and Councilman Bernard asked Highway Superintendent David Paganelli if he wanted to consider allocating his department resources to repair the Croton Heights wall, costing approximately \$12,800. Mr. Paganelli listed some ongoing projects his department is working on and was not able to make a determination yet.

REQUEST FUNDING FOR FERAL CAT PROGRAM

Resident Melinda O'Brien has requested \$500 in funding from the Town for the feral cat program (the same as last year's request). According to Town Comptroller, Patricia Caporale, there are three invoices this year (2 spay procedures, 1 euthanization) totaling \$135, which would leave a fund balance of \$365; however, there may be bills that have not been paid yet.

The issue arose that this program does not service all of Yorktown, only a portion. Councilman Lachterman stated that the program should benefit all areas of town since it is requesting town money. Supervisor Grace stated that he would like to see Ms. O'Brien come in to talk to the board.

REQUEST FOR WAIVER OF USE OF NUTRITION CENTER  
RESOLUTION #318

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

RESOLVED, that the Town Board waives the fee of \$107.98 for 3.5 hours of use of the Senior Nutrition Center located at the Yorktown Community and Cultural Center, for a free presentation of Medicare and Healthcare coverage information, titled "Demystifying Medicare" to be presented by the Westchester Library System on Thursday, October 13, 2016.

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

BOND RELEASE – GUERRERO

Will be addressed at the next board meeting.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT – GHD CONSULTING SERVICES

A discussion took place with the Town Engineer, Michael Quinn, regarding the Jefferson Park Pump Station rehabilitation project and the possibility of taking approximately 30 homes from that area and putting them into the Peekskill Sanitary Sewer District. The following comments were made:

- Town Engineer Michael Quinn stated that GRD would hire a surveyor and make recommendation of what the routing should be. Want to get it done quickly since they are ready to go. GHD would do the work for an amount not to exceed \$14,000.00.

- Supervisor Grace stated that the homes that would come out of the Hallocks Mill Sewer District would cover those homes in the Sunrise neighborhood that want to come into the district. Money can be reallocated to another extension.

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH GHD CONSULTING SERVICES FOR ADDITIONAL SERVICES FOR JEFFERSON PARK PROJECT RESOLUTION #319

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

WHEREAS,

1. The Engineering Department and GHD Consulting Engineers presented the upcoming Pump Station Rehabilitation Project to the Town Board on 6/7/16. The project covered proposed improvements to the Jefferson Park, Walden Woods and Jefferson Valley pump stations.
2. There were discussions with Board members and residents that abut the Jefferson Park PS concerning the possibility of installing a new sewer line that would convey wastewater by gravity to Town sewers located on Campbell Court. If this could be done, the Jefferson Park PS could be eliminated and the Town would no longer need to undertake the pump station rehabilitation project at this location.
3. The Engineering Department did a preliminary evaluation to confirm it is technically feasible to perform this work. A field visit confirmed the grade elevations and sewer pipe elevations; we believe the work could be done in compliance with engineering standards to be followed for this type of work.
4. If the homes that currently convey flow to the Jefferson Park PS were instead redirected to Campbell Court, they would become part of the County sewer district and the wastewater would be treated at the Peekskill Wastewater Treatment Plant. The Town would need to obtain approval from Westchester County to complete this task.
5. At this time, the Department requests an Agreement be made with GHD Consulting Engineers to perform a schematic design of the proposed routing and connection of new sewer piping. The scope of services would include having a licensed land surveyor confirm the surface and pipe invert elevations that will be need to undertake the proposed work.
6. The deliverable for GHD will include a technical memorandum that will include a layout for the new sewer piping, conceptual design data for the work and a cost estimate of the recommended improvements.
7. The professional engineering services to be provided by GHD will be on an hourly basis; the Town will only be charged for the actual hours spent on this task. GHD will be paid at their normal hourly rates that will be included as part of the Agreement.
8. Depending on the results of the technical study, additional professional engineering services may be needed to prepare contract drawings and specifications for the work
9. The Pump Station Rehabilitation Project will still need to be advertised for bids shortly; as a minimum the work will include the Walden Woods and Jefferson Valley pump stations. Slight revisions will need to be made if the work at the Jefferson Park PS is deleted from the project. This Department confirmed the scope of services in this Agreement with GHD Consulting Engineers would include the work needed to modify the contract documents should we need to remove Jefferson Park PS from the project.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with GHD Consulting Services, Inc., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$14,000.00.

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

REQUEST AUTHORIZATION FOR BUDGET TRANSFER FOR LIGHTING AT RAILROAD PARK  
RESOLUTION #320

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

RESOLVED, the Town Board authorizes the Town Comptroller to transfer \$16,940.00 from A1990.499 (contingency) to A5182.200 (Street Light Equipment) for the purchase and installation of lighting at Railroad Park.

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

REQUEST AUTHORIZATION FOR BUDGET TRANSFER – HIGHWAY DEPARTMENT  
RESOLUTION #321

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

RESOLVED, at the request of the Highway Superintendent, David Paganelli, the Town Board hereby authorizes the Town Comptroller to transfer the following:

- \$9,000.00 from D5110.0403 Supplies and Materials to D5110.0479 Drainage for the purchase of materials to perform drainage work on Revere Drive;
- \$17,000.00 from D5130.0403 Supplies and Materials to D5142.0200 Snow Removal Equipment for the purchase of a Slide-in-Salter for truck body to be retrofitted.

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

AUTHORIZATION FOR REPAIRS TO KAWASAKI 70Z FRONT END LOADER TRUCK  
RESOLUTION #322

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

RESOLVED, the Town Board authorizes the additional expenditure of \$5,000.00 for repairs to a Kawasaki 70Z (Truck #99) Front End Loader previously authorized by Resolution #153 of 2016, to be performed by authorized Kawasaki dealer Contractor Sales, 121 Karner Road, Albany, NY 12212.

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

ADJOURN

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

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Maura Weissleder, Deputy Town Clerk  
Town of Yorktown