

Meeting of the Town Board, Town of Yorktown held on February 4, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Diana L. Quast, Deputy Town Clerk  
Jeannette Koster, Town Attorney

Absent: Michael J. Grace, Supervisor

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss a matter of personnel. Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to proceed with the Town Board meeting. Supervisor Michael Grace left the meeting.

TOWN BOARD MEETING

Deputy Supervisor Terrence Murphy called the meeting to order.

PLEDGE OF ALLEGIANCE

Deputy Town Supervisor Terrence Murphy 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.

DURING HIS REPORT TO THE TOWN, Deputy Supervisor Terrence Murphy stated that the Yorktown Schools are closed tomorrow due to the expected inclement weather. He also mentioned the Relay for Life Kick Off meeting.

DURING REPORTS FROM THE TOWN COUNCILMEN, Councilman Bianco stated that it has been a cold and snowy winter and he thanks the Highway Department for doing a great job.

Councilman Patel stated that he attended an Eagle Scout Ceremony and the Grand Opening of the Yorktown Deli. He asked everyone to clear snow from around fire hydrants.

ACCEPT RESOLUTIONS

JANUARY 28, 2014

RESOLUTION #62

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

Resolved, that the Town Board Meeting Resolutions for January 28, 2014 are approved by the Town Board.

Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT

LANDMARKS PRESERVATION COMMISSION

DR. EDWIN PELL

RESOLUTION #63

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

BE IT RESOLVED, that Edwin Pell is hereby re-appointed as a member of the Landmarks Preservation Commission for a three year term expiring October 16, 2016.

Bianco, Murphy, Patel Voting Aye  
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mrs. Susan Siegel spoke about houses that were taken by in rem and would like to know if the Town will be auctioning them off.

Courtesy of the Floor Closed.

Councilman Bianco stated that the Town has property and anyone can request to purchase it.

AWARD BID  
BODYWORK ON TOWN CARS/BODYWORK ON TOWN TRUCKS  
RESOLUTION #64

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

WHEREAS bids were received on Friday, January 31, 2014, for Bodywork on Town of Yorktown Cars and for Bodywork on Town of Yorktown Trucks.

The results were as follows:

	<b>Labor charge, Hourly Rate:</b>	<b>Percentage (%)</b> above Contractor's cost which Bidder will charge the Town for those materials and parts installed...with specific invoice submitted:
<b>Bodywork on Town of Yorktown Cars:</b>		
1.	Yorktown Auto Body \$ 40.00 1798 Front Street Yorktown Hts., NY	0%
2.	Tompkins Garage, Inc. \$ 40.00 1440 Croton Lake Rd. Yorktown Hts., NY	15%
3.	Luposello's Auto Body \$ 42.00 2030 Albany Post Rd. Croton-on-Hudson, NY	10%
<b>Bodywork on Town of Yorktown Trucks:</b>		
1.	Luposello's Auto Body \$ 38.00 2030 Albany Post Road Croton-on-Hudson, NY	10%
2.	Yorktown Auto Body \$ 45.00 1798 Front Street Yorktown Hts., NY	0%

RESOLVED, that the **Bodywork on Town of Yorktown Cars** bid be awarded to Yorktown Auto Body, and the **Bodywork on Town of Yorktown Trucks** bid be awarded to Luposello's Auto Body.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

RENEW COMMERCIAL GARBAGE LICENSE

SOMERS SANITATION, INC.

RESOLUTION #65

Upon motion made Councilman Bianco, seconded by Councilman Patel,

RESOLVED, that Somers Sanitation, Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2014.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

APPROVE SALE OF USED EQUIPMENT

RESOLUTION #66

Upon motion made Councilman Bianco, seconded by Councilman Patel,

WHEREAS, the Town of Yorktown owns and has in its possession several items, which are no longer necessary or adaptable for use by the Town; and

WHEREAS, such items are listed as follows:

<u>Item #.</u>	<u>Description</u>	<u>Qty</u>
	<b>Ductile Iron Mechanical Joint X Mechanical Joint Bends (6 Inch)</b>	
1	11¼ degree bends	5
	22½ degree bends	3
	45 degree bends	4
	90 degree bends	2
	6 x 12 coupler	1
	<b>Ductile Iron Mechanical Joint X Mechanical Joint Bends (8 Inch)</b>	
2	11¼ degree bends	5
	22½ degree bends	10
	45 degree bends	8
	<b>Ductile Iron Mechanical Joint X Mechanical Joint Bends (10 Inch)</b>	
3	11¼ degree bends	2
	22½ degree bends	2
	<b>Ductile Iron Mechanical Joint X Mechanical Joint Bends (12 Inch)</b>	
4	22 ½ degree bends	3
	<b>Reducers</b>	
5	10" x 6"	2
	10" x 8"	5
	12"x10"	1
	<b>T's:</b>	
6	8" x 6"	9
	6" x 6" x 6" x 6" 4 way	2
	8" x 8"	1
	8" x 8" x 8" x 8" 4 way	2
	12" x 12" x 8" x 8" 4 way	1

WHEREAS it is in the best interest of the Town to dispose of said equipment and receive monetary compensation for the benefit of the Town;

THEREFORE BE IT RESOLVED, the Town Board designates the aforementioned items as surplus equipment and authorizes such equipment to be placed on public online auction with Auctions International, Inc.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY JESCO  
REPAIR WATER DEPARTMENT BACKHOE  
RESOLUTION#67

Upon motion made Councilman Bianco, seconded by Councilman Patel,

WHEREAS, the Yorktown Water Department requests to repair one 1990 John Deere 710c Backhoe by Jesco, Inc.

BE IT RESOLVED, the Town Board authorizes the Comptroller to pay Jesco, Inc. up to \$27,000 for 1990 John Deere 710c Backhoe repairs.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

APPROVE REQUEST OF MOHEGAN MANOR ADULT CARE FACILITY  
TEMPORARY SEWER HOOK UP  
RESOLUTION #68

Upon motion made Councilman Bianco, seconded by Councilman Patel,

WHEREAS, Mohegan Manor Adult Care Facility operates a residential facility for approximately 150 physically and mentally challenged seniors at 3441 Lexington Avenue, Mohegan Lake, New York (“Mohegan Manor”) within the Town of Cortlandt (at the intersection of Route 6 and Lexington Avenue);

WHEREAS, Mohegan Manor has informed the Town that it has an aging septic system and is seeking to connect to the Town of Yorktown Sewer System on a temporary, emergency basis;

WHEREAS, representatives of the Town of Yorktown met with Mohegan Manor, its representatives, and representatives of the Town of Cortlandt in an attempt to determine if the Town of Yorktown could be of help to Mohegan Manor and permit a temporary, emergency sewer connection;

WHEREAS, Yorktown Officials advised Mohegan Manor that such a sewer connection could only be entertained and considered if the Town’s sewer system (pipes, manholes, appurtenances) is determined to have adequate capacity at or about the potential point(s) of interconnection, and no adverse consequences will be sustained by the Town’s system if this connection is ultimately approved; and

WHEREAS, the Town of Yorktown informed Mohegan Manor that specific sewer testing in accordance with acceptable engineering practices would therefore need to be performed by Mohegan Manor entirely at its cost and expense, and with adequate legal and financial protections in place for the Town.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Town Board hereby authorizes Mohegan Manor to conduct and perform a sewer capacity analysis, feasibility study and related testing under the supervision

of the Yorktown Engineering Department and/or Department of Public Works, provided, that Mohegan Manor delivers to the Town: a) such insurance as the Town shall require, b) a full indemnity of the Town by Mohegan Manor covering the Town against damage, injury, harm and/or related causes of action, and any and all costs incurred by, or on behalf of, Town employees in supervising or assisting with said testing, and c) a License Agreement permitting temporary entrance by Mohegan Manor or its contractors onto the property or rights of way of the Town solely to perform such testing.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

TOWN BOARD REITERATES PREVIOUS RESOLUTION  
AGREEING WITH FINDINGS OF ETHICS BOARD  
RESOLUTION #69

Upon motion made Councilman Bianco, seconded by Councilman Patel,

WHEREAS, in 2013 the Ethics Board issued a response to a complaint concerning a particular Councilman, in which the Ethics Board concluded that no violation of the Ethics Code had been committed; and

WHEREAS, the Ethics Board recommended that all Councilmen and all department heads receive ethics training; and

WHEREAS, the Town Board previously issued a resolution accepting the findings of the Ethics Board concerning that Councilman and the ethics training recommended by the Ethics Board was conducted in 2013 by an expert in New York State and local ethics laws, Steven Leventhal, Esq.; now therefore be it

RESOLVED, that the Town Board reiterates its previous resolution that it agrees with the findings of the Ethics Board on that particular matter.

Murphy, Bianco, Patel Voting Aye  
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mrs. Susan Siegel asked about the in rem properties that the Town recently took possession of.

Mrs. Linda Gironda spoke about the convalescent home application. She asked if the Town sends a referral out does it receive comments from everyone it is sent to.

Deputy Town Clerk Diana Quast stated that there is no requirement that someone respond to a referral, we ask them to respond but sometimes they do not.

Mrs. Linda Gironda would like the Zoning Board of Appeals to give its definition of a nursing home - convalescent home to the Town Board for their review. She would also like an outside monitor for the informational hearing scheduled for February 24, 2014.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Deputy Supervisor Murphy, the Town Board meeting was adjourned.

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown