

Meeting of the Town Board, Town of Yorktown held on August 5, 2014 at Patriots Park, 363 Underhill Avenue, Yorktown Heights, New York located behind Town Hall.

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

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
Brian Gray, Parks and Recreation Superintendent
John Tegeder, Planning Director
John Winter, Building Inspector

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Murphy, the Town Board moved into Executive Session on Advice of Counsel.

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

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

WELCOME – PLANNING DIRECTOR JOHN TEGEDER AND PARKS & RECREATION SUPERINTENDENT BRIAN GRAY

PRESENTATIONS

Councilman Terrence Murphy presented the Yorktown High School Lacrosse Team with a Certificate of Merit for capturing the New York State Champion Lacrosse Team title.

Supervisor Grace read the following Proclamation given in memory of the late Pat Kibbe, Founder of Kids to Kids International

PROCLAMATION

WHEREAS, we as a community mourn our loss. We nonetheless resolved that this day, August 5, 2014, celebrate and pay respect to a life well lived, a life that enriched all those who knew Pat Hosley Kibbe and many who never met her; by her acts of charity and kindness; and

WHEREAS Yorktown is truly an exceptional community; its rich character being defined by the many people who tireless give of themselves to enrich all of us; and

WHEREAS, recently our Town suffered the passing of Pat Hosley Kibbe who exemplified Yorktown's exceptionalism; and

Pat, wife of John Kibbe and mother to Jon, Kyle, Ethan, Allison and Justine was a Yorktown resident for 60 years. Pat, while raising a family was an active contributor to our Yorktown community.

Pat, who enjoyed a vibrant career in theater, radio and TV (once having appeared in the Honeymooners.) Pat was also a published author.

Pat truly lived a full life. Her dynamic personality radiated throughout every community of which she was a part; church, school and community.

Here, in our Town, Pat founded and operated Kids to Kids International, an organization dedicated to providing educational resources to children in refugee camps around our world.

Pat truly represented the best of Yorktown for which she will be truly missed.

WHEREFORE, be it resolved that in Pat's memory, we all commit ourselves to endeavor to give to our community in whatever measure we can; and,

BE IT RESOLVED THAT I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the entire Town Board, hereby resolve this date be known as

"PATRICIA HOSLEY KIBBE" Day

in the Town of Yorktown, in her memory and I urge all residents to join their fellow residents in marking this observance.

To Pat, a final heart-felt thank you. May God forever hold you and give you perpetual peace

**AUTHORIZE EMERGENCY REPAIR WORK
UNDER LEXINGTON AVENUE
RESOLUTION #310**

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

Supervisor Grace explained that the Town Board was just made aware of a condition on Lexington Avenue which has been determined to be unsafe and in need of emergency repair.

WHEREAS, the culverts located under Lexington Avenue near the intersection of Route 202 suddenly collapsed on August 4, 2014, while a contractor was performing cleaning work on behalf of the Town for the purpose of sending a video camera through in order to determine whether the culverts could be relined; and

WHEREAS, as a result of the collapse, the Highway Superintendent has deemed the road, although presently open to traffic based on a short-term repair, to be in danger of further deterioration, and this condition poses an immediate threat to vehicular traffic and the Highway Superintendent has deemed the condition to be an emergency requiring immediate repair; and

WHEREAS, the Acting Town Engineer has obtained a cost estimate from WSP Sells, the engineering firm the Town has engaged to oversee the design work on rehabilitating the Lexington Avenue culverts at that location, for emergency repair work to be performed on an emergency basis of approximately \$150,000;

NOW THEREFORE, be it resolved, the Town Board authorizes expenditure of up to \$150,000, to be paid out of fund balance, for the emergency repair work, and authorizes the Acting Town Engineer to work with the Highway Superintendent to procure a contract without competitive bidding under the emergency provisions of General Municipal Law § 103 and the Town's procurement policy for the performance of the emergency repair work, and further authorizes the Town Supervisor to sign an agreement with the contractor so procured.

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

POLICE DEPARTMENT PROMOTIONS AND AWARDS

Police Chief Daniel McMahon spoke about Craig Scatola stating that he is a Graduate of Westchester Community College and Pace University where he studied Political Science. He joined the Yorktown Police Force in 2004.

APPOINTMENT – CRAIG SCATOLA
RESOLUTION #311

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

BE IT RESOLVED, that Craig M. Scatola is hereby appointed Police Sergeant, job class code 0133-01, from Eligible List No. 71-197, effective August 6th, 2014 to be paid from Yorktown PBA Salary Schedule, which is \$113,440.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 6th, 2014.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

Police Chief McMahon introduced the last three Police Officers hired by the Town of Yorktown; Officer Thomas Beyrer, Officer Keith Fortunato and Officer Michael Woodard.

Police Chief McMahon handed out the Meritorious Police Award in connection with the apprehension of a suspect in the hit and run death of a Jefferson Valley Oak woman. The Award went to Sergeant John LaPlaca, Officer Timothy Kolkmann and Officer Matthew Iacona.

Police Chief McMahon handed out a Certificate of Commendation Award to Detective Sean Lewis, Detective Brian Shanahan and Police Officer Lawrence Pannicia in connection with the apprehension of a student who called into a bomb threat to Lakeland and Panas High Schools.

DURING REPORTS FROM TOWN BOARD MEMBERS

Councilman Patel spoke about the death of Joan Seiboldt who was the head of Yorktown's Food Pantry and the local Grange. He also spoke about a new exhibit at the John C. Hart Memorial Library that combines the internet and the alphabet.

REPORTS FROM WHITE PLAINS – MICHAEL KAPLOWITZ, CHAIRMAN, OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS provided the Town Board with a brief update. The Board of Legislators approved work to begin on 80 capital projects at a cost of \$130 million. The Town of Yorktown will be given a retired Westchester County bus for \$1.00. Chairman Kaplowitz stated that the Board also approved a Storm Water Reconnaissance Plan for Peekskill and Haverstraw Bays. Since a portion of Yorktown is within the Peekskill Sanitary Sewer District, drainage work will be done in some areas of Yorktown.

RESOLUTIONS FROM THE MEETING OF 7/1/2014
RESOLUTION #312

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

Resolved, that the Town Board Meeting Resolutions for July 1, 2014 are approved by the Town Board.

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

COURTESY OF THE FLOOR, During Courtesy of the Floor the following people addressed the Town Board:

Janice Donadio and Maria Donadio spoke about traffic conditions on East Main Street stating that they have had 14 accidents in the past four years near their home.

Councilman Murphy stated that he and Public Safety Officer will visit the area.

Mr. Jay Kopstein spoke about the recycling company, Competition Carting's failure to pick up the co-mingled items at his home. He wanted to know who was

watching this company to make sure they were doing what they are supposed to do according to the bid.

Mr. Paul Moskowitz stated that he disagreed with a statement made by Supervisor Grace on his program Grace Notes. The statements relate to Spectra Energy’s request to increase the size of a gas pipe running through the Town of Yorktown. Mr. Moskowitz stated that there is radon in this pipeline; his concern is that the proposal calls for a “pigging” system to clean out the pipe. Mr. Moskowitz believes that this system poses a safety and health risk to the people of Yorktown.

Mrs. Susan Siegel told the Board that a traffic study was recently done on East Main Street. Phil Greeley, the engineer on that study had some suggestions about traffic on East Main Street. Mrs. Siegel spoke about tonight’s resolution for Shallow Creek stating that she was not afforded the opportunity to see the agreements in advance of this meeting. She made suggestions on things that should be included in the agreements including requiring the applicant to have all of the necessary permits from New York State Department of Environmental Conservation prior to the commencement of any work. Mrs. Siegel made an inquiry about the Request for Proposals for work to be done in the town’s Greenwood Street Facility. She also asked for clarification of the Town Board’s intention regarding the SEQRA process as it relates to the proposed ball fields at Granite Knolls.

Mrs. Barbara Wilkins asked the Town Board to remember her mother who is about to turn 106 years old.

COURTESY OF THE FLOOR – CLOSED

Highway Superintendent David Paganelli stated that work is continuing at Greenwood Street, nothing has changed. He is working on the Request for Proposals.

PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 260, ARTICLE IV ENTITLED “INSTALLMENT AGREEMENT FOR DELINQUENT REAL PROPERTY TAXES

Supervisor Grace convened a public hearing to amend Chapter 260 of the Code of the Town of Yorktown entitled “TAXATION” by amending Article IV entitled “Installment Agreement for Delinquent Real Property Taxes,” regarding maximum term and required down payment. The Town Clerk presented affidavits of posting and publication.

Supervisor Grace explained this law stating that these are tough times. The proposal helps homeowners by reducing the initial down payment on installment agreements from 25% to 10%.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed upon motion by Supervisor Grace and seconded by Councilman Bianco

LOCAL LAW #3 OF 2014
AMENDING CHAPTER 260, TAXATION
RESOLUTION #313

Upon motion by Supervisor Grace, seconded by Councilman Bianco,

WHEREAS, a public hearing was held on the 5th day of August, 2014 pursuant to notice duly published as required by law to consider amending Chapter 260, of the Code of the Town of Yorktown entitled “TAXATION” by amending Article IV entitled “Installment Agreement for Delinquent Real Property Taxes,” regarding maximum term and required down payment.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
Councilman Bianco	Voting	Aye

Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye

Local Law #3 of 2014 was thereupon declared adopted.

ADVERTISE PUBLIC HEARING
TWO VERSIONS OF A LOCAL LAW AMENDING CHAPTER 65,
RESOLUTION #314

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

Prior to taking a vote on this proposal, there was discussion between Board Members about the use of the words "may" and "shall. The Board would like to go to Public Hearing with two versions of the law.

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on Tuesday, September 2, 2014 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to add a new Article IV to Chapter 65.

Chapter 65 of the Town Code of the Town of Yorktown, entitled "OFFICERS AND EMPLOYEES," is hereby amended by the addition of the following new article IV, entitled "Filling Vacancy in Elected Office by Appointment or Special Election" to read as follows:

§ 65-9. Method of filling vacancy.

Within 30 days after the occurrence of a vacancy in an elective office subject to this article, the vacancy may be filled by Town Board appointment. If an appointment is not made within 30 days, the vacancy may be filled by either (a) special election called by the Town Board, to be held not less than 60 days and not more than 90 days from the date the Town Board decides to call for a special election, or (b) in the next general election, whichever will allow the vacancy to be filled in the shortest space of time reasonably possible.

§ 65-10. Offices affected.

The elective offices subject to this article are the Office of the Supervisor, the Town Council, the Town Clerk, and the Superintendent of Highways.

A copy of the 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. Can also be viewed at www.yorktownny.org

All persons in interest and citizens may be heard at the public hearing as aforesaid.

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§ 65-9. Method of filling vacancy.

Within 30 days after the occurrence of a vacancy in an elective office subject to this article, the vacancy may be filled by Town Board appointment. If an appointment is not made within 30 days, a vacancy shall be filled by either (a) special election called by the Town Board, to be held not less than 60 days and not more than 90 days from the date the Town Board decides to call for a

special election, or (b) in the next general election, whichever will allow the vacancy to be filled in the shortest space of time reasonably possible.

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The elective offices subject to this article are the Office of the Supervisor, the Town Council, the Town Clerk, and the Superintendent of Highways.

A copy of the 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. Can also be viewed at www.yorktownny.org

All persons in interest and citizens may be heard at the public hearing as aforesaid.

Grace, Bianco, Murphy, Patel Voting Aye
Resolutions Adopted

ADVERTISE BID
ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE FOR TOWN BOILERS AND FURNACES
RESOLUTION #315

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

Resolved, the Town Clerk is hereby authorized to receive sealed proposals for the Annual Maintenance and Emergency On-Call Service for Town Boilers and Furnaces.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

ADVERTISE BID – ELECTRICAL WORK – YORKTOWN COMMUNITY CULTURAL CENTER EMERGENCY GENERATOR
RESOLUTION #316

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

RESOLVED, the Town Clerk is hereby authorized to receive sealed proposals for electrical work associated with the Emergency Generator at the YCCC.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

ADVERTISE BID – PLUMBING WORK – YORKTOWN COMMUNITY CULTURAL CENTER EMERGENCY GENERATOR
RESOLUTION #317

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

RESOLVED, the Town Clerk is hereby authorized to receive sealed proposals for plumbing work associated with the Emergency Generator at the YCCC.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

APPOINTMENT – JOHN C. HART MEMORIAL LIBRARY
CHRISTINE M. JULIAN STAFF/ASSISTANT/LIBRARY
RESOLUTION #318

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

BE IT RESOLVED, contingent upon successful completion of a drug test that Christine M. Julian is hereby appointed Staff Assistant/Library, job class code 0228-01, from Eligible List No. 64-715, at the John C. Hart Memorial Library, effective August 11, 2014, to be paid from Yorktown CSEA Salary Schedule A-Group X, step 1, which is \$48,371.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks commencing on the first date of appointment on August 11, 2014

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

SALARY INCREASE FOR
COURT OFFICER HOWARD MOSKALIK
RESOLUTION # 319

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

RESOLVED, that effective August 5, 2014 Howard I Moskalik rate of pay will be increased to \$25.00 an hour retroactive to January 1, 2014.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

APPOINTMENT JOHN C. HART LIBRARY BOARD OF TRUSTEES
DR. JOAN LANDZBERG
RESOLUTION #320

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

BE IT RESOLVED, that Dr. Joan Landzberg is hereby re-appointed as a member of the Library Board of Trustees for a five year term expiring on August 31, 2019.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AWARD RFP – PARKS & RECREATION DEPARTMENT
SHALLOW CREEK GOLF COURSE
RESOLUTION #321

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

WHEREAS, the Yorktown Parks and Recreation Department solicited Request for Proposals from qualified firms and/or individuals for the management, operation and maintenance of the Valley Fields Golf Course and Restaurant Concession (formerly known as Shallow Creed Golf Course).

Whereas two proposals were submitted on August 29, 2011 to the Yorktown Parks and Recreation Commission for review and consideration, and

Whereas, the Parks and Recreation Commission has conducted a thorough review and negotiations with Rocco Cambereri, President, RC Recreational Development, LLC, now

Therefore Be it Resolved, that upon the recommendation of the Yorktown Parks and Recreation Commission, that the Request for Proposal for the management, operation and maintenance of the Valley Fields Golf Course and Restaurant Concession be hereby awarded to RC Recreation Development, LLC.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AWARD RFP – HIGHWAY DEPARTMENT
TRAFFIC SIGNS
RESOLUTION #322

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

WHEREAS, invitation to bid for the Traffic Signs for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 22, 2014, with the bid amounts for the above-referenced project summarized are attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Signs Bid be and is hereby awarded to Vulcan Signs, P. O. Box 1850, Foley AL, 36536, the lowest and most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2014 and terminate on July 31, 2015. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

APPROVE THE ASSESSOR'S
ATTENDANCE AT A CONFERENCE
RESOLUTION#323

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

WHEREAS, in her capacity as Assessor for the Town of Yorktown, Kim Adams Penner is required to attend a training session to be held in Latham, New York from August 19, 2014 through August 21, 2014, and a training session in Rensselaer County from September 15, 2014 through September 20, 2014 and

WHEREAS estimated expenses include lodging (\$1150) and food (\$400), for a total estimated expenses of \$1550, and sufficient funds exist in the department's training line,

NOW, THEREFORE BE IT RESOLVED that, Assessor Kim Adams Penner be granted permission to attend said session and use of a town vehicle for the trip.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND ACCEPTANCE AND REDUCTION
RCB SUBDIVISION
RESOLUTION #324

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

WHEREAS, at the Town Board meeting of October 4, 2011, accepted the Erosion Control Bond in the amount of \$5,000.00 and the 8% Inspection Fee in the amount of \$4,051.00 for the RCB Development Subdivision located on Old Crompond Road, and

WHEREAS, Rich Bartzick had chosen to construct the public facilities first and not pay the Performance Bond at that time and was required as per Town code to post a Maintenance Bond or equivalent security equal to 10% of the Performance Bond, and

WHEREAS, Rich Bartzick posted Check #1093 in the amount of \$4,563.00 on June 24, 2014, to serve as the 10% of the Performance Bond, and

WHEREAS, a representative of the Engineering Department has inspected the site and determined that the Performance Bond can be further reduced (\$4,563.00 - \$2,028.00=\$2,535 back to developer), NOW, THEREFORE BE IT

RESOLVED, that the above referenced check is hereby accepted to serve as the required bond for the above referenced subdivision, AND BE IT FURTHER

RESOLVED, that \$2,535.00 may be released to the developer.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND AND FEE ACCEPTENANCE
#WP-BSWPPP-T-026-11 – HANOVER STREET
RESOLUTION #325

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

WHEREAS, Nathan & Nancy Caswell, as applicants, provided the Town with Check No. 3044 in the amount of \$6,550 for work performed at the Hanover Road site for Wetland & Stormwater & Tree permit #WP-BSWPPP-T-026-11, and accepted at the Town Board meeting of July 2, 2013, and

WHEREAS, the monies are broken down as follows:

\$2,500 to serve as the Erosion Control Bond
\$2,500 to serve as the Wetland Bond
\$1,000 to serve as the Construction Monitoring Fee
\$550 to serve as additional permit review money for the town's wetland consultant, and

WHEREAS, \$750 of the permit review money has been used for permit review and a balance of \$800 remains to be released to the original applicants, and

WHEREAS, John Barile, as partner of Louis Panny and contract vendee of said property, has provided the Town with Check #167 in the amount of \$6,550 (\$2,500 to serve as the Erosion Control Bond - \$2,500 to serve as the Wetland Bond - \$1,000 to serve as the Construction Monitoring Fee - \$550 for additional permit review), NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies (\$5,800.00) are hereby released to Nathan & Nancy Caswell, 2688 Crompond Road, Yorktown Heights, NY 10598, and BE IT FURTHER

RESOLVED, that the above referenced check is hereby accepted for Wetland & Stormwater permit #WP-BSWPPP-T-026-11.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND RELEASE
#WP-002-06 – EDGEWATER STREET
RESOLUTION #326

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

WHEREAS, William Morrison, as applicant, posted check #2500 in the amount of \$500.00 which was deposited into the T33 Account on March 17, 2006 covering Wetland Permit #002-06 for work performed at his Edgewater Avenue residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$500.00, be and is hereby released to Mr. William Morrison, 1902 Edgewater Street, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND RELEASE
WETLAND PERMIT #010-03 AND EXCAATION PERMIT #002-03
RESOLUTION #327

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

WHEREAS, Akija & Bora Lajqi, as applicants, posted Old Republic Insurance Company Site Improvement Bond No.VCN-1140850 in the amount of \$10,000.00 covering Wetland Permit #010-03, for work performed at their Underhill Avenue parcel, and

WHEREAS, Akija & Bora Lajqi, as Principal, provided the Town with Old Republic Insurance Company's Erosion Control Bond No.VCN-1140849, in the amount of \$15,000.00 to serve as the Erosion Control Bond for Excavation Permit #002-03, for excavation work located at their Underhill Avenue parcel, and

WHEREAS, the bonding company has requested both bonds be closed out, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the properties and determined that the work has been satisfactorily completed, and that the \$10,000.00 for wetlands and \$15,000 for excavation may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described bonds totaling \$25,000.00, be and are hereby released to Akija & Bora Lajqi, 2134 Colonial Avenue, 2B, Bronx, NY 10461.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND RELEASE
WETLAND PERMIT #001-13
RESOLUTION #328

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

WHEREAS, Patrick Navas, as applicant, posted check #11262 in the amount of \$1,500.00, which was deposited into the T33 Account on February 15, 2013, covering Wetland Permit #001-13, for work performed at his Underhill Avenue residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$1,500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$1,500.00, be and is hereby released to Mr. Patrick Navas, 748 Underhill Avenue, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

BOND RELEASE
WETLAND PERMIT #063-13
RESOLUTION #329

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

WHEREAS, Ronald Bronk, as applicant, posted check #4138 in the amount of \$300.00 which was deposited into the T33 Account on August 30, 2013, covering Wetland Permit #063-13 for work performed at his Gregory Street residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00, be and is hereby released to Mr. Ronald Bronk, 2668 Gregory Street, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

EXTEND THE BID FOR
ASPHALTIC CONCRETE LAID IN PLACE
RESOLUTION #330

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

WHEREAS, invitation to bid for the Asphaltic Concrete Laid-in-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 5, 2011,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Bilotta Construction Corp., 296 Purchase Ave, Rye, NY 10580,

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2014 through July 31, 2015.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

EXTEND THE BID FOR
STREET LIGHT MAINTENANCE AND REPAIR SERVICES
RESOLUTION #331

Upon motion made by Councilman Bianco, 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 Avenue, Yorktown heights, NY 10598,

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2014 through August 14, 2015.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

EXTEND THE BID FOR
TRAFFIC LIGHT MAINTENANCE AND REPAIR SERVICES
RESOLUTION #332

Upon motion made by Councilman Bianco, 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 Avenue, Mt. Vernon, NY 10550,

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2014 through August 14, 2015.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

APPROVE REFUND FOR STREET
OPENING PERMIT #013-003
RESOLUTION #333

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

RESOLVED, that upon the recommendation of the Supt. of Highways authorization is hereby given for the release of the following:

<u>Type of Permit</u>	<u>Amount</u>	<u>Refund to</u>
Street Opening #	\$2, 000.00	Todd Cable Const.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AUTHORIZE EXTENSION OF LEASE AGREEMENT WITH YORKTOWN
STAGE FOR ROOM 12 AT THE YCCC
RESOLUTION #334

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

WHEREAS, the Town of Yorktown, as Landlord, and Yorktown Stage, Inc., as Tenant, wish to amend the lease dated June 11, 2014 for Room 12 at the Yorktown Community and Cultural Center, which presently expires on August 31, 2014, to extend the term to December 31, 2014, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Amendment to Lease with the Tenant at a monthly rent of \$1,584.86 from September 1, 2014 to December 31, 2014.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT
WITH EMPIRE CONSULTING
RESOLUTION #335

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

BE IT RESOLVED, that the Town supervisor is hereby authorized to sign an Agreement between the Town of Yorktown and Empire Consulting for services in compliance with the Federal Department of Transportation regulations regarding drug and alcohol testing services in accordance with the fee schedule on file with the Town Clerk. The Agreement shall be effective from June 15, 2014 until June 14, 2017

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

RELEASE RETAINAGE FOR MEYER CONTRACTING CORP.
CHILDRENS ROOM CONSTRUCTION – JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #336

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

WHEREAS, Meyer Contracting Corp., completed the Children's Room Contract at the John C. Hart Memorial Library, which the Town considered complete on April 10, 2014, and

WHEREAS, the Town withheld \$14,900 as retainage, and

WHEREAS, the project total was \$149,000, NOW, THEREFORE BE IT

RESOLVED, the retainage percentage be reduced from 10% to 0%, and

BE IT FURTHER RESOLVED, that the amount of \$14,900 is hereby released to Meyer Contracting Corp., 12 Charles St. Pleasant Valley, NY 12569.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AUTHORIZE THE SUPERVISOR TO SIGN WIN AGREEMENT FOR THE WELLNESS IN NUTRITION PROGRAM FORMERLY KNOWN AS SNAP WITH WESTCHESTER COUNTY
RESOLUTION # 337

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement for the Wellness in Nutrition Program (WIN) formerly known as SNAP Supplemental Nutrition Assistance Program for the year April 1, 2014 through March 31, 2015. State funding for the Program year will be in an aggregate amount not to exceed \$13,675.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH WOODWARD & CURRAN
RESOLUTION #338

Upon motion made by Councilman Bianco, seconded by Councilman Patel

WHEREAS, the Water Department needs to perform repairs to the supervisory control and data acquisition equipment which communicates with the storage tank sites; and

WHEREAS, the Water Department requests authorization to enter into a professional services agreement with Woodward & Curran to perform programming to the storage tank supervisory control and data acquisition equipment for an amount not to exceed \$4,000; and

THEREFORE BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a professional service agreement with Woodward & Curran Engineering.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

APPROVE A BUDGET TRANSFER FOR THE WATER DEPARTMENT
RESOLUTION #339

Upon motion made by Councilman Bianco, seconded by Councilman Patel

WHEREAS on December 15, 2004, The Town of Yorktown entered into a 20 year water supply agreement (W.S.A.) with the Town of New Castle for the purchase of water for the Pines Bridge Water District; and

WHEREAS according to the W.S.A. Yorktown is responsible for the maintenance, replacement and repair to all valves and appurtenances; and

WHEREAS New Castle has purchased two (2) new 6 inch Neptune water meters for the master meter pit and requests reimbursement of \$11,716.00 for the cost of said meters; now

THEREFORE BE IT RESOLVED, that the following 2014 budget transfer is approved:

Transfer \$11,716.00 from the Water Department Meter Projects Line (SW.8340.0483.0000) to the Water Department Meters line (SW.8340.0210) to reimburse the Town of New Castle for the purchase of two (2) Neptune 6” Tru/Flo Compound Water Meters and Installation Kits for the Pines Bridge meter pit.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

REFUND DUPLICATE TAX PAYMENTS

RESOLUTION #340

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

RESOLVED, that the Town Board authorizes the refund of the following duplicate tax payments:

	<u>Account Number</u>	<u>Amount</u>
Wells Fargo Real Estate Tax Services	2984090	\$ 195.54
Corelogic	0481500	\$3,180.11
Quicken Loans	1960500	\$4,071.55
Chase	3178500	\$4,397.02
Vicinanza	3385000	\$3,750.75
Dovenmuehle Mortgage Inc.	3388000	\$3,926.03
Wells Fargo Real Estate Tax Services	4452330	\$4,831.53
Westchester Cable Television	0119530	\$4,715.31
Wells Fargo Real Estate Tax Services	0541663	\$ 683.09
Wells Fargo Real Estate Tax Services	2725500	\$2,462.41
Wells Fargo Real Estate Tax Services	3392000	\$4,953.08
Pennymac	3784000	\$4,757.73
Wells Fargo Real Estate Tax Services	4314501	\$ 771.11
Wells Fargo Real Estate Tax Services	4664550	\$1,715.46
Resident	4110500	\$ 52.18
Mahopac Family Limited Partnership	0109000	\$ 116.90

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

REFUND ZONING BOARD OF APPEALS APPLICATION FEE

RESOLUTION#341

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

RESOLVED, that the Town Board approves a refund in the amount of \$198.18 be made to Wanda Diulio at 1587 Cross Road, Mohegan Lake, NY for a Zoning Board of Appeals fee, the application was withdrawn.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

ACCEPT MONTHLY REPORTS

- Building Department – June 2014, July 2014
- Receiver of Taxes – June 2014

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Reports were accepted

APPROVE TOWN ATTORNEY REQUEST FOR REPRESENTATION

ARISING FROM A COMPLAINT FILED AGAINST HER

RESOLUTIONS #342

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

WHEREAS, Town Attorney Jeannette Koster has requested the Town to provide her with a defense in an administrative proceeding arising from a complaint filed against her concerning actions that allegedly occurred while she was fulfilling her duties and responsibilities representing the Town, and

WHEREAS, the Town has a duty to provide a defense to an employee under Section 30-4 of the Town Code when a proceeding arises “out of an alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties;” and

WHEREAS, the Town Attorney recommends the Town retain Marvin Raskin Esq. at the hourly rate of \$250.00 to provide legal services in this matter;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby finds that the Town Attorney timely delivered the notice of the administrative proceeding to the Town Supervisor; that the administrative proceeding against Town Attorney Koster arises out of acts which are alleged in the complaint to have occurred while the Town Attorney was acting within the scope of her public employment; that the Town Board has considered the allegations in the complaint and considers them baseless; and hereby grants Town Attorney Koster’s request to provide for her defense in the administrative proceeding; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign a retainer agreement with Marvin Raskin, Esq. at the above-stated hourly rate plus reasonable and customary disbursements to provide legal services in the above-referenced administrative proceeding.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

ADJOURN

The Town Board meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown