

Meeting of the Town Board, Town of Yorktown held on October 7, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

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

Also Present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
Brian Gray, Superintendent Parks and Recreation  
Margaret Gspurning, Human Resource Specialist  
Patricia Caporale, Town Comptroller

#### 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 to discuss the employment of a particular person.

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

#### PROCLAMATION

Supervisor Grace read the following Proclamation:

***WHEREAS**, Americans as a people, are a rich and diverse mixture of many cultural, religious and ethnic groups from all over the world; and,*

***WHEREAS**, Italian-Americans, through their work and contributions to the economy and culture of the United States, deserve recognition for their achievements; and,*

***WHEREAS**, Italian-Americans have helped build and strengthen this country and have historically supported the values and principles of the United States of America; and*

***WHEREAS**, the Christopher Columbus Society of Yorktown has initiated programs to recognize the benefits Italian-Americans bestow upon the progress and well-being of the American nation to ensure that the best qualities of Italian culture are perpetuated here in America.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim October 2014 as*

#### ***'ITALIAN AMERICAN MONTH'***

Mrs. Dorothea LaScala , President of Circolo Davinci of Yorktown, a non profit group devoted to promoting the heritage of Italian-Americans accepted the Proclamation.

Councilman Terrence Murphy read the following Proclamation:

**PROCLAMATION**

***WHEREAS** German Americans through their work and contributions to the culture of the United States since the arrival of the first German immigrants in the United States on October 6, 1683 have earned this recognition and tribute to their achievements; and*

***WHEREAS** for more than three centuries Germans have helped build and strengthen this country and historically constitute the staunchest supporters of the democratic values and principles of the United States of America; and*

***WHEREAS** as they have before, so will Americans of German descent continue to contribute to the life and culture of the United States and will work for and will support the government of the United States, its democratic principles and the freedom of all people everywhere; and*

***WHEREAS** such contributions should be recognized and celebrated in 2014 and annually thereafter; and*

***WHEREAS** common ties and lasting friendship exist between the United States and the Federal Republic of Germany and other German speaking countries.*

***NOW, THEREFORE, I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the Town Board, hereby proclaim Wednesday, October 8, 2014 as***

***"GERMAN AMERICAN HERITAGE DAY"***

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

Supervisor Grace accepted the Proclamation on behalf of the former Receiver of Taxes Elfriede Schmid.

DURING REPORTS FROM THE TOWN SUPERVISOR, Supervisor Grace announced that the 2014 Public Auction of In Rem Parcels will take place on Saturday, November 8, 2014. The Town Board will host a meeting with its Emergency Management Partners on October 17, 2014.

DURING REPORTS FROM TOWN BOARD MEMBERS:

Councilman Murphy announced that the Fall Festival Street Fair will take place this coming Sunday, October 12, 2014.

Supervisor Grace added that the Harrison Apar Golf Tournament will also take place on Sunday.

Councilman wondered why the Chamber of Commerce had not come before the Town Board to request our assistance with the Festival.

Supervisor Grace stated that the question should be addressed to the Chamber. As far as the Town is concerned, money was placed in the 2014 under Special Events to cover overtime of town employees for these types of events.

RESIGNATION

ERIN RIEDEL, RECREATION SUPERVISOR

The Town Board accepted the resignation of Erin Riedel.

APPOINT ASSISTANT SUPERINTENDENT PARKS AND RECREATION

PARKS AND RECREATION DEPARTMENT

RESOLUTION #399

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

BE IT RESOLVED, that Erin L Riedel, is hereby appointed Assistant Superintendent of Recreation, job class code 0261-01, from Eligible List No. 61-852, in the Parks & Recreation Department, effective October 8<sup>th</sup>, 2014, to be paid \$80,000.00 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 October 8<sup>th</sup>, 2014,

Be it Further Resolved that the terms of Ms. Riedel's appointment shall include the retention of benefit time accrued in her position of Recreation Supervisor as follows:

Vacation: 49. hours  
Sick 241.25 hours.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

#### RESOLUTIONS - SEPTEMBER 16, 2014

The Town Board approved the resolutions from September 16, 2014

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

Mr. Paul Moskowitz reported on information he learned about Spectra Energy's Algonquin Incremental Market (AIM) and Atlantic Bridge Projects. He ended by questioning the projects safety.

Mrs. Roseann Brockett's remarks were addressed to Councilman Murphy.

Mr. Jonathan Hyman, speaking on behalf of the Koppel Family, gave the Town Board a Picture Report on issues concerning Granite Knolls West.

Mrs. Sheila Schraier, a resident of Colonel Green Road stated that she was disappointed by the Town Board's vote to have "may" placed in the Local Law concerning filling a vacancy.

Mr. Mark Michaels, a resident of Spring Drive addressed his remarks to the Supervisor.

Mr. Gil Kaufman stated that the kids in this community needs ball fields and he is prepared to pay more in taxes to see that happen.

Mr. Tom Diana reported on meetings he attended with representatives of various senior groups. Managers at the Jefferson Valley Mall have indicated that the senior walking program may return. Mr. Diana also reported on the Wellness Center that opened in Jefferson Village.

Mrs. Susan Siegel and Councilman Murphy debated the issue of whether active recreation was discussed prior to the purchase of the Granite Knolls.

Mr. Ed Ciffone's commented on the Spectra Energy projects, the Holland Sporting Club issue and Sultana Pool.

Mrs. Babbette Bollinger also reported on what occurred at the meeting held by Spectra Energy. She asked one of the presenters if they would want to have this project outside their home.

COURTESY OF THE FLOOR – CLOSED

#### RECONVENE

PROPOSED LOCAL LAW AMENDING CHAPTER 178 –

FRESHWATER WETLANDS

Supervisor Grace reconvened the public hearing to consider a proposed Local Law amending Chapter 178 of the Code of the Town of Yorktown -Freshwater Wetlands by adding:

178-10(B)(5):

The Town Board, upon findings that a proposed action is consistent with the activities as set forth in Chapter 178-9,, may refer any regulated activity subject to its review and approval for disposition by the Town Engineer, and may attach conditions thereto. Affidavits of Posting and Publication were presented by the Town Clerk.

Bruce Barber, Yorktown’s Environmental Consultant explained that the Town Board has been discussing this change since 2008. The amendment allows the Town Board to refer applications with minimal impact to the environment to the Town Engineer.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion made by Supervisor Grace, seconded by Councilman Murphy.

ADOPT LOCAL LAW #4 OF 2014  
AMENDING CHAPTER 178- FRESHWATER WETLANDS  
RESOLUTION #400

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

WHEREAS, a public hearing was held on the 7<sup>th</sup> day of October 2014 pursuant to notice duly published as required by law to consider amending Chapter 178 of the Code of the Town of Yorktown entitled “FRESHWATER WETLANDS” concerning Town Board referral of actions to Town Engineer.

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 178-10(B)(5) is amended to read as follows:

The Town Board, upon findings that a proposed action is consistent with the activities as set forth in Section 178-9, may refer any regulated activity subject to its review and approval for disposition by the Town Engineer, and may attach conditions thereto.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

RESOLVED, that Local Law #4 of the year 2014, be and is hereby adopted.

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 Murphy	Voting	Aye
Councilman Patel	Voting	Aye

Local Law #4/2014 was thereupon declared adopted.

RECONVENE PUBLIC HEARING  
REQUEST TO OPERATE A CONVALESCENT HOME

Supervisor Grace reconvened the public hearing to consider the application received from Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598.

The Town Clerk, Alice Roker, read a letter submitted by Celine Heart, a resident of Yorktown who is disabled and unable to attend the meeting. Ms. Heart concludes the twenty five (25) page letter by asking the Town Board to deny the request of the applicant.

Mr. John Nowak raised issues that were outlined in his letters dated April 1, 2014 and April 7, 2014 to the Town Board and Zoning Board of Appeals. The letter dated April 1, 2014 addressed what he called “existing violations” on the site. The second letter addresses concerns that came about after comparing the existing site plan to the one prepared by John Meyer Consulting for this applicant. He also questioned what he called “inaccuracies and inconsistencies” in the EAF. Mr. Nowak believes the new EAF should go to the Planning Board since they never saw it.

REFERRAL- 482 UNDERHILL AVENUE  
LANDSCAPING AND PARKING PLANS  
RESOLUTION #401

Upon motion made by Supervisor Grace, seconded by Councilman Murphy

RESOLVED, that the Town Clerk is hereby authorized to refer the Existing Site Plan dated May 5, 2014 prepared by John Meyer Consulting, PC for Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598 to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by October 28, 2014, and

To:  
Planning Board  
Planning Department

Grace, Murphy, Patel Voting Aye  
Resolution adopted

Mr. Jay Kopstein spoke in opposition to this application arguing that this type of facility should not be in residential areas.

Mr. Paul Moskowitz questioned whether this facility would be a benefit to Yorktown. It would, according to Mr. Moskowitz be a benefit to people from Bedford and Connecticut who could afford this type of facility. He asked the Town Board to give this application a positive declaration and demand a full EAF.

Mr. Louis D'Amico also asked that the Board deny the application saying he is fighting for the integrity of the neighborhood.

Mr. Albert Capellini, co-counsel for the applicants stated that all of tonight's arguments came before the Zoning Board of Appeals and were denied. The ZBA in its findings stated that the proposed use complies with the definition of "convalescent home" as set forth in Section 300-3 of the Zoning Code. He further stated that the Zoning Board further found that a "convalescent home" requires a special permit but does not have any specific or individual special permit requirements.

Mr. Robert Davis, co-counsel for the applicant read from prepared remarks, a copy of which is included in the Town Clerk's file. He stated that there is no longer an issue as to whether the proposed sober home is a permitted use under the Code. The ZBA has ruled that it falls under the special permit use of a "convalescent home."

Mr. George Brink, a resident of Shrub Oak reminded the Town Board that the ZBA decision is being challenged in court.

Mr. Nick Toumanios, a resident of French Hill Road asked that testing done on the property's septic system be sent to the Planning Board.

Mr. Robert Gironda asked if and when the Board planned to make its decision on this application. He suggested that Mr. Davis, co-counsel for the applicant would probably like to have this decision sooner rather than later.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned. Upon motion made by

ADVERTISE PUBLIC HEARING  
PROPOSED LOCAL LAW CREATING A NEW CHAPTER 138 CONCERNING  
COLLECTION BINS AND TO AMEND CHAPTER 225 ENTITLED PROPERTY  
MAINTENANCE CONCERNING CLOTHING BINS  
RESOLUTION #402

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

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 on the 21<sup>st</sup> day of October, 2014 at 7:30 o'clock PM to consider a Proposed Local Law to enact a new Chapter 138 of the Town Code concerning COLLECTION BINS, and to amend Chapter 225, entitled PROPERTY MAINTENANCE concerning clothing bins.

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.

A copy can also be viewed on the Town Website at [www.yorktownny.org](http://www.yorktownny.org).

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AWARD BID – AUTOMOTIVE AND SMALL ENGINE PARTS AND EQUIPMENT  
WATER DEPARTMENT  
RESOLUTION #403

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

WHEREAS, invitation to bid for the Automotive and Small Engine Parts and Equipment/Tools was duly advertised, and

WHEREAS, said bids were received and opened on October 2, 2014, with the bid amounts for the above-referenced project summarized as follows:

Item 1A:	Small Engine Parts (Counter Pick-up): GENUINE STIHL PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	16%
	Westchester Tool Rentals	11%
	The Tool Pro, Inc.	No Bid
Item 1B:	Small Engine Parts (Counter Pick-up): GENUINE REDMAX PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	14%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1C:	Small Engine Parts (Counter Pick-up): GENUINE BRIGGS &	
STRATTON		PARTS
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	16%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1D:	Small Engine Parts (Counter Pick-up): GENUINE KOHLER PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	12%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1E:	Small Engine Parts (Counter Pick-up): GENUINE HONDA PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	19%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1F:	Small Engine Parts (Counter Pick-up): GENUINE SNAPPER PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	12%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1G:	Small Engine Parts (Counter Pick-up): GENUINE HUSQVARNA SAW	
		PARTS
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	15%
	Westchester Tool Rentals	11%
	The Tool Pro, Inc.	No Bid
Item 1H:	Small Engine Parts (Counter Pick-up): GENUINE KAWASAKI PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	15%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 1I:	Small Engine Parts (Counter Pick-up): GENUINE TECUMSEH PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	12%
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	No Bid
Item 2A:	Equipment Parts (Counter Pick-up): GENUINE SCAG PARTS	
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	15%
	Westchester Tool Rentals	No Bid

	The Tool Pro, Inc.	No Bid	
Item 2B:	Equipment Parts (Counter Pick-up): GENUINE WALKER PARTS		
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	12%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 2C:	Equipment Parts (Counter Pick-up): GENUINE TORO PARTS		
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	15%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 2D:	Equipment Parts (Counter Pick-up): GENUINE SHINDAIWA PARTS		
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	10%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 2E:	Equipment Parts (Counter Pick-up): GENUINE ECHO PARTS		
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	10%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 3:	Genuine General Motors Parts (Delivered):		
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	No Bid	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 4A:	Spark Plugs (Counter Pick-up):	CHAMPION	
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	20%	
	Westchester Tool Rentals	10%	
	The Tool Pro, Inc.	No Bid	
Item 4B:	Spark Plugs (Counter Pick-up):	NGK	
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	20%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 4C:	Spark Plugs (Counter Pick-up):	NGK	
		<u>% Discount off List</u>	
	Rich's Quality Lawnmower	20%	
	Westchester Tool Rentals	No Bid	
	The Tool Pro, Inc.	No Bid	
Item 5A:	.095 Square Weed Wacker String (Counter Pick-up):		
		3 LB. ROLL	
		<u>Brand Name</u>	<u>Price</u>
	Rich's Quality Lawnmower	Stihl	\$30.00
	Westchester Tool Rentals	No Bid	No Bid
	The Tool Pro, Inc.	No Bid	No Bid
Item 5B:	.095 Square Weed Wacker String (Counter Pick-up):		
		5 LB. ROLL	
		<u>Brand Name</u>	<u>Price</u>

Rich's Quality Lawnmower	Stihl	\$50.00
Westchester Tool Rentals	No Bid	No Bid
The Tool Pro, Inc.	No Bid	No Bid

Item 6: ICS Saw Parts (Delivered OR Counter Pick-up):

	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	11%
The Tool Pro, Inc.	No Bid

Item 7A: Brand Tools ( Counter Pick-up):

	CHANNEL LOCK
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7B: Brand Tools ( Counter Pick-up):

	COILHOSE PNEUMATICS
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7C: Brand Tools ( Counter Pick-up):

	DEWALT
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7D: Brand Tools ( Counter Pick-up):

	DIABLO
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7E: Brand Tools ( Counter Pick-up):

	KLEIN TOOLS
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7F: Brand Tools ( Counter Pick-up):

	MAKITA
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7G: Brand Tools ( Counter Pick-up):

	MILWAUKEE
	<u>% Discount off List</u>
Rich's Quality Lawnmower	No Bid
Westchester Tool Rentals	No Bid
The Tool Pro, Inc.	10%

Item 7H: Brand Tools ( Counter Pick-up):

PASLODE

		<u>% Discount off List</u>
	Rich's Quality Lawnmower	No Bid
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	10%
Item 7I:	Brand Tools ( Counter Pick-up):	
		ROLAIR
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	No Bid
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	10%
Item 7J:	Brand Tools ( Counter Pick-up):	
		STANLEY
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	No Bid
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	10%
Item 7K:	Brand Tools ( Counter Pick-up):	
		WERNER
		<u>% Discount off List</u>
	Rich's Quality Lawnmower	No Bid
	Westchester Tool Rentals	No Bid
	The Tool Pro, Inc.	10%

RESOLVED, that upon the recommendation of the Water Distribution Superintendent, David Rambo, the bid for the Automotive and Small Engine Parts and Equipment/Tools be and is hereby awarded to:

Rich's Quality Lawnmower Inc. – Items: 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 2A, 2B, 2C, 2D, 2E, 4A, 4B, 4C, 5A, and 5B.

Westchester Tool Rentals– Item 6.

The Tool Pro, Inc.- Item: 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J and 7K.

the lowest responsible bidder.

RESOLVED, the Town Board authorizes all departments to purchase Automotive and Small Engine Parts and Equipment/Tools from the lowest bidder in each category as listed above.

FURTHER RESOLVED, said bid shall remain in effect with a fixed discount percentage for a binding period of one (1) year after October 7, 2014.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

REFERRAL – WETLANDS PERMIT APPLICATION FOR CONSTRUCTION OF  
NEW HOME - 3211 LAKESHORE DRIVE  
RESOLUTION #404

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application for a Wetlands Permit for the construction of a new home at 3211 Lakeshore Drive, Yorktown, NY. The application was filed by Robert Panny, on behalf of the owners Linda and Michael Wolski, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act a Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by November 11, 2014

Town of Yorktown Agencies:

Acting Town Engineer, Sharon Robinson  
Conservation Board, Phyllis Bock, Diane Dreier, Co-Chairs  
Environmental Consultant, Bruce Barber  
Planning Department, John Tegeder, Planning Director  
Richard Fon, Chairman, Yorktown Planning Board  
Town Attorney, Jeannette Koster

Grace, Murphy, Patel Voting Aye  
Resolution adopted

ACCEPT AUDIT PREPARED BY O'CONNOR DAVIES. LLP FOR FISCAL YEAR  
2013 – JUSTICE COURT  
RESOLUTION #405

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

RESOLVE that the audit of the Town of Yorktown Justice Court prepared by O'Connor Davies, LLP, for the fiscal year 2013, submitted to the Town on February 12, 2014 be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE RELEASE FOR WETLAND BOND #WP-036-03 – GAMBELLI  
DRIVE – GREGORY KUZINSKI  
RESOLUTION #406

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

WHEREAS, on October 17, 2003, the Town Board of the Town of Yorktown granted Wetland Permit WP-036-03 to Kuzinski Vila & Associates, PC (applicant) of 1028 Gambelli Drive to construct an in-ground swimming pool in a jurisdictional wetland buffer area and,

WHEREAS, the applicant, as a condition of the permit requiring wetland mitigation plantings, posted a \$10,000 wetland bond which would be released at the end of five year period as measured from the date of issuance of a certificate of occupancy for the inground pool and when the Town of Yorktown verifies that at least 85% of the planted wetland mitigation plants were viable, and

WHEREAS, in response to the applicant's request to release the bond, the Town of Yorktown Environmental Consultant reviewed the wetland permit and issued a report dated January 11, 2013 which indicated certain conditions of the wetland permit were required to be met prior to the release of the bond, and

WHEREAS a representative of the Town has confirmed that all conditions of the wetland permit have been met,

NOW THEREFORE BE IT RESOLVED THAT, the Town Board of the Town of Yorktown authorizes release of the bond.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE RELEASE FOR WETLAND BOND #WP-022-06 – GAMBELLI  
DRIVE – JOHN FRANCESE  
RESOLUTION #407

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

WHEREAS, on February 29, 2007, the Town Board of the Town of Yorktown granted Wetland Permit WP-022-06 to John Francese (applicant) of 1012 Gambelli Drive to construct an in-ground swimming pool in a jurisdictional wetland buffer area and,

WHEREAS, the applicant, as a condition of the permit requiring wetland mitigation plantings, posted a \$5,000 wetland bond which would be released at the end of five year period as measured from the date of issuance of a certificate of occupancy for the in-ground pool and when the Town of Yorktown verifies that at least 85% of the planted wetland mitigation plants were viable, and

WHEREAS, on April 22, 2014, the Town of Environmental Consultant inspected the site and found that approximately 25% of the plants installed pursuant to the wetland mitigation requirement were viable; and

WHEREAS, the applicant was offered the option and agreed to remove all debris along the applicant's property border that is located within the wetland and wetland buffer as alternative to replanting the wetland and wetland buffer, and

WHEREAS on May 20, 2014, the Town Board adopted a resolution authorizing release of the bond subject to the following condition:

1. The Acting Town Engineer to furnish in writing to the Town Board that the applicant has removed all debris located in the wetland and wetland buffer along the applicant's property border and any/all conditions of the wetland permit have been met,

And

WHEREAS a representative of the Town has confirmed that the debris has been removed,

NOW THEREFORE BE IT RESOLVED THAT, the Town Board of the Town of Yorktown authorizes release of the bond.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

RE-AWARD TRAFFIC SIGNS - HIGHWAY DEPARTMENT  
RESOLUTION # 408

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

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

WHEREAS, said bids were received and opened on July 22, 2014, and

WHEREAS, said bid was awarded to Vulcan Signs, P.O. Box 1850, Foley, AL 36536 on August 5, 2014, and

WHEREAS, Vulcan Signs has not fulfilled the terms of the Traffic Sign Bid which states that the "signs must arrive at the Highway Department five (5) business days after order is faxed or called in". On September 8, 2014, the Highway Department ordered two traffic signs and the Town still has not received them; today is September 20, 2014. In subsequent emails, Vulcan Signs has stated that we should receive them by the end of September, 2014.

I RESPECTFULLY request that Vulcan Signs be removed from the Traffic Sign List of Bidders and that the bid be awarded to the second lowest/responsive bidder, Traffic Lane Closures.

RESOLVED, the Town Board removes Vulcan Signs from the list of bidders for Traffic Signs and awards the bid to Traffic Lane Closures.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

STANDARD HEALTH MEASUREMENT PERIOD – FULL TIME EMPLOYEES  
RESOLUTION #409

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

WHEREAS, pursuant to the Patient Protection and Affordable Care Act (the “Act”), the Town of Yorktown (“Town”) must determine the full-time status of ongoing employees in order to satisfy its obligations under the employer shared-responsibility requirements of the Act; and

WHEREAS, such full-time employee status must be determined prior to the start of the health plan year beginning in 2015; and

WHEREAS, the regulations under the Act allow the Town to establish look-back periods to be used for ongoing employees to determine whether a given employee is full-time for purposes of the Act; and

WHEREAS, the Town desires to establish a look-back standard measurement period, administrative period and stability period for its ongoing employees; and

WHEREAS, the Town participates in and provides a health plan through the New York State Health Insurance Program (NYSHIP); and

WHEREAS, the Town’s health plan operates on a calendar year plan year; and

NOW THEREFORE, BE IT RESOLVED, that the standard measurement period for ongoing employees shall be a period of 12 months to be measured from November 1, to October 31, with the first standard measurement period running from November 1, 2013 to October 31, 2014; and

BE IT FURTHER RESOLVED, that the administrative period for ongoing employees shall be a period of 60 days to be measured from November 1 to December 31, with the first administrative period running from November 1, 2014 to December 31, 2014; and

BE IT FURTHER RESOLVED, that the stability period for ongoing employees determined to have averaged at least 30 hours of service or more per week shall be a period of 12 months to begin immediately after the administrative period on January 1 and to continue until December 31, with the first stability period running from January 1, 2015 to December 31, 2015; and

BE IT FURTHER RESOLVED, that the stability period for ongoing employees determined not to have averaged at least 30 hours of service or more per week shall be a period of 12 months to begin immediately after the administrative period on January 1 and to continue until December 31, with the first stability period running from January 1, 2015 to December 31, 2015.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

STANDARD HEALTH MEASUREMENT PERIOD – VARIABLE HOUR  
EMPLOYEES  
RESOLUTION #410

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

WHEREAS, pursuant to the Patient Protection and Affordable Care Act (the “Act”), the Town of Yorktown (“Town”) must determine the full-time status of New Variable Hour employees in order to satisfy its obligations under the employer shared-responsibility requirements of the Act; and

WHEREAS, the regulations under the Act allow the Town to establish look-back periods to be used for New Variable Hour employees to determine whether a given employee is full-time for purposes of the Act; and

WHEREAS, the Town desires to establish a look-back initial measurement period, administrative period and stability period for its New Variable Hour employees; and

WHEREAS, the Town participates in and provides a health plan through the New York State Health Insurance Program (NYSHIP); and

WHEREAS, the Town's health plan operates on a calendar year plan year; and

NOW THEREFORE, BE IT RESOLVED, that the initial measurement period for New Variable Hour employees shall be a period of 12 months to be measured from the first day of the month beginning on or next following the employee's start date with the Town; and

BE IT FURTHER RESOLVED, that the administrative period for New Variable Hour employees shall be a period which shall begin at the end of the initial measurement period and shall continue through the end of the first full calendar month beginning on or after the end of the initial measurement period; and

BE IT FURTHER RESOLVED, that the stability period for New Variable Hour employees determined to have averaged at least 30 hours of service or more per week during the initial measurement period, shall be a period of 12 consecutive calendar months to begin immediately after the end of the administrative period; and

BE IT FURTHER RESOLVED, that the stability period for New Variable Hour employees determined not to have averaged at least 30 hours of service or more per week during the initial measurement period, shall be a period of 12 consecutive calendar months to begin immediately after the end of the administrative period.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO AN AGREEMENT DATED JUNE 16, 2011 BETWEEN AT&T AND THE TOWN OF YORKTOWN RESOLUTION #411

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

WHEREAS, the Town entered into an agreement on June 16, 2011 with AT&T Corp. providing for cable relocation work in the Downing Drive Extension; and

WHEREAS, the agreement provided a September 30, 2011 deadline for the commencement of the work; and

WHEREAS, the timing of the work was not in AT&T's control but rather in the control of Mongero Properties, LLC, developer of an adjacent parcel, be it

RESOLVED, the Supervisor is authorized to sign an amendment to an agreement dated June 16, 2011 between AT&T and the Town of Yorktown, to remove the deadline for commencement of such work provided in paragraph 1 of the agreement.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

REFUND DUPLICATE PAYMENT WATER ACCOUNT #4102251180 – OVERPAYMENT WATER BILL RESOLUTION #412

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

RESOLVED, that upon the recommendation of Catherine Paget and Cliff Kummer, a refund in the amount of \$94.56 is granted to Water Account #4102251180 for a duplicate overpayment of a water bill.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES RESOLUTION #413

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement for funding from Westchester County Department of Senior Programs and Services. This funding is in the amount of \$5,000 for the fiscal year 2014. The funding is being awarded to the Town for over-performance under the Title 111C meal program.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

ADVERTISE BID – DRAINAGE ISSUES AT THE ROUTE 202 BASEBALL FIELD PARKS DEPARTMENT RESOLUTION #414

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

BE IT RESOLVED, the Parks and Recreation Superintendent is authorized to go out to bid to fix the drainage issues at the Rt. 202 John Downing Baseball Field, to be paid out of the Parks and Recreation Trust Account and reimbursed to the same account through the DASNY Reimbursement Grant.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE DEVELOPMENT OF MULTIGENERATIONAL PLAY AND EXERCISE AREA AT YCCC VETERANS MEMORIAL FIELD RESOLUTION #415

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

BE IT RESOLVED, that the Parks and Recreation Commission is authorized to develop a Multigenerational Play and Exercise area at the YCCC Veterans Memorial Field. The cost is not to exceed \$67,000 and will be taken from its Trust and Agency Account.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE USE OF GIFT FROM GILBERT BEAVER CONFERENCE FARM IN THE AMOUNT OF \$50,375.35 TO DEVELOP A PLAYGROUND FOR DISABLED CHILDREN AT DOWNING PARK – PARKS DEPARTMENT RESOLUTION #416

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

BE IT RESOLVED, that the Parks and Recreation Commission is authorized to use the gift of \$50,375.35 from the Gilbert Beaver Conference Farm to develop a playground for disabled children at Downing Park. The cost is not to exceed \$51,000 and will be taken from its Trust and Agency Account.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE BUDGET TRANSFER – RECEIVER OF TAXES SOFTWARE  
RESOLUTION #417

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

RESOLVED, that the Comptroller is authorized to transfer \$1,400 from A1330.106 and \$31,424.01 from A1330.101 to line A1330.421.1 to pay Software Consulting Associates, Inc. (“SCA”) for the purchase of software licenses for the real property tax collection system and a lien collection system, and the installation of the software and conversion of data from the Town’s existing tax collection software program. This purchase was approved by the Town Board at its meeting held on May 6, 2014.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

DECLARE VEHICLE SURPLUS AND TRANSFER TO HIGHWAY DEPARTMENT  
FROM REFUSE AND RECYCLING  
RESOLUTION #418

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

WHEREAS, Kim Angliss Gage, Coordinator of Refuse & Recycling Department, has recommended that the following vehicle be declared surplus and sold, 1999 Mack-Leach packer, model RD690S; vin #1M2P264C4XM027975; and

WHEREAS, the Town Board, acting as the Board of the Yorktown Refuse and Garbage District of the Town of Yorktown (“District”), has accepted Ms. Gage’s recommendation and has determined that the value of said vehicle to be \$8,000.00; and

WHEREAS, Highway Superintendent David Paganelli has informed the Town Board that the Highway Department can make use of said vehicle for Highway purposes, and has recommended that the Town purchase the vehicle from the District, and the Town Board has accepted Superintendent Paganelli’s recommendation and has determined that the vehicle’s value is \$8,000;

NOW THEREFORE BE IT RESOLVED, that the Board of the District authorizes the sale of said vehicle for \$8,000 to the Town; and the Town Board authorizes the purchase of said vehicle for \$8,000 from the District; and be it further

RESOLVED, that the Town Supervisor is authorized to sign the title documents on behalf of the Board of the District as seller and on behalf of the Town of Yorktown as purchaser, and he or his delegatee shall process all paperwork required by the State of New York and the District’s and Town’s insurers with respect to this transaction.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

INCREASE THE ANNUAL CONTRACT AMOUNT FOR THE COLLECTION AND  
DISPOSAL OF RESIDENTIAL REFUSE & RECYCLING MATERIALS IN THE  
AMOUNT OF \$5,800.00 FOR A TOTAL OF \$2,504,800.00  
RESOLUTION #419

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

WHEREAS, the Town of Yorktown adopted a resolution on July 8, 2014, to renew its contract, based on the residential stops existing in 2012, with Frontline Waste Management, Inc. (d/b/a Competition Carting, Inc.) to provide the “Collection and Disposal of Residential Refuse & Recyclables Materials” through December 31, 2015;

WHEREAS, “Crompond Crossing” is a new residential development with 26 units that will require collection and disposal services for twice/week Residential Refuse and once/week Recyclable Materials;

THEREFORE, an addendum to cover the \$ 5,800.00/year charge for Frontline Waste Management Inc. (d/b/a Competition Carting, Inc.) to provide the additional collection services to 26 new residential units must be added to the annual contract; the expense to insure collection services for the balance of 2014 shall be prorated accordingly.

THEREFORE BE IT RESOLVED, that the annual \$ 2,499,000.00 contract with Frontline Waste Management, Inc. (d/b/a Competition Carting, Inc.) for the “Collection and Disposal of Residential Refuse & Recyclables Materials” be increased by \$5,800.00; total \$2,504,800.00.

Grace, Murphy, Patel Voting Aye  
Resolution adopted

REFUND DUPLICATE TAX PAYMENTS  
RESOLUTION #420

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

RESOLVED, the Town Board authorizes the refund of a duplicate tax payment to the following accounts:

0005500	\$ 3,958.98
4127500	\$ 3,173.62
2683610	\$ 5,106.43
1451060	\$ 847.87
2071548	\$ 3,477.18
4232500	\$ 4,440.31

Grace, Murphy, Patel Voting Aye  
Resolution adopted

ACCEPT MONTHLY REPORTS

The Town Board accepted monthly reports from the Receiver of Taxes and Building Inspector

ADJOURN

Upon motion by Councilman Murphy, seconded by Councilman Patel,

The Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown