

Meeting of the Town Board, Town of Yorktown held on July 7, 2015 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598

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

Also present: Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

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

DURING REPORTS FROM THE TOWN BOARD,

Councilman Patel offered congratulations to the 2015 graduates from the Yorktown School and Lakeland School Districts.

Councilman Bernard announced that Police Officer Robert Doerr received a letter of commendation from the Lakeland School District.

APPOINTMENT – JOHN LAPLACA

POLICE LIEUTENANT

RESOLUTION #256

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

Be It Resolved, that John LaPlaca is hereby appointed Police Lieutenant, job class code 0132-01, from Eligible List No. 70-195, effective July 8th, 2015 to be paid from Yorktown SOA Salary Schedule, which is \$130,285.00 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 July 8th, 2015.

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

ACCEPT RESIGNATION - POLICE OFFICER IACONA

RESOLUTION #257

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

Resolved, that the Town Board accepts with regret the resignation of Police Officer Iacona.

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

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

Mrs. Janice DiNardo, a resident of Jefferson Valley asked that the Town Board do something to help the residents of this area with their drainage problems. She handed the Town Board a picture taken of her property which appeared to be flooded.

Mr. Howard Frank made a number of remarks concerning the Water Department including the fact that the Town in its latest report on water acknowledged that last year, 215 million gallons of water was lost and that New York City has announced that its water rates will go up 9 percent. Mr. Frank also spoke about reading an article on a particular type of new water meter that two cities which had recorded huge losses in water purchased. Both cities experienced a drop in its the water losses.

Mr. Gary Ajello asked the Town Board for an update on sewer permits.

Mr. Gregory Kravtsov spoke about a new technology he has come up with to help blind people. He says he wants to give people living in Yorktown the ability to get high tech jobs.

Mr. Ken Belfer spoke about the activities that will occur during celebration the for Mohegan Lake Day which is scheduled for July 12, 2015.

COURTESY OF THE FLOOR CLOSED

ADVERTISE BID FOR SPARKLE LAKE DAM – CAPITAL IMPROVEMENT PROJECT #2
RESOLUTION #258

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

Sealed proposals will be received by the **Town Clerk** of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until **10:00 A.M., on Monday, July 27, 2015**, for the **Rehabilitation of Sparkle Lake Dam**.

All work on this contract shall be completed within Ninety (90) calendar days.

The Work of this Contract includes site clearing, replacement of pipe, land grading, slope stabilization, installation of turf reinforcement matting, and restoration of the project area at Sparkle Lake Dam.

Plans, Specifications and standard proposals for the work proposed may be obtained at the office of the Town Clerk at said Town Hall upon cash or certified check in the amount of **FIFTY DOLLARS (\$50.00)**. Said fee will **not** be refunded and will be used to defray costs of printing plans and specifications.

All bids must be accompanied by a Certified check payable to the Town of Yorktown in an amount not less than ten percent (10%) of the total bid, or an executed Consent of Surety.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

A pre-bid meeting has been scheduled for Wednesday, July 15, 2015 at 11:00 at the site of construction.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

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

ADVERTISE BID FOR STREET SWEEPING – HIGHWAY DEPARTMENT
RESOLUTION #259

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

Resolved, that the Highway Department is authorized to advertise a bid for Street Sweeping throughout the Town.

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

ADVERTISE PUBLIC HEARING FOR WETLANDS PERMIT FOR REHABILITATION OF SPARKLE LAKE DAM
RESOLUTION #260

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

RESOLVED, that notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Mohegan Colony Association Beach, at the corner of Oak and High Streets, Mohegan Lake, NY., on the 21st day of July, 2015 at 6:30 o'clock PM to consider the application filed by the Town of Yorktown for a wetlands permit for the rehabilitation of the Sparkle Lake Dam, Yorktown Heights, NY.

A copy of said application 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 may be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING FOR AMENDED SPECIAL USE PERMIT – COMMERCE HEIGHTS FOODSMART, INC., 2001 COMMERCE STREET
RESOLUTION #261

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

RESOLVED, that notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Mohegan Colony Association Beach, at the corner of Oak and High Streets, Mohegan Lake, NY., on the 21st day of July, 2015 at 6:30 o'clock PM to consider the application filed by Henry Steeneck for an amended Special Use Permit. The request is to approve signs at the Commerce Heights Foodsmart, Inc. located at 2001 Commerce Street, also known as Section 37.14, Parcel 2, Lot 70 on the Tax Map of the Town of Yorktown.

A copy of said application 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 may be heard at the public hearing to be held as aforesaid.

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

AUTHORIZE REFERRAL TO AMEND ZONING CODE TO COMMUNITY CARE RESIDENCES
RESOLUTION #262

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

RESOLVED, that the Town Clerk is hereby authorized to refer a Proposed Local Law amending the Zoning Code of the Town of Yorktown, Chapter 300 adding a new Special Permit for a Community Care Residence to the list of agencies listed below for their review and recommendation, and

BE IT FURTHER RESOLVED that the comments and recommendations should be forwarded to the Town Clerk on or before August 4, 2015, and

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

To: Westchester County Planning Dept.
Westchester County Planning Board

Neighboring Towns:
Town Clerk - Town of Cortlandt
Town Clerk – Town of New Castle
Town Clerk – Town of Ossining
Town Clerk – Town of Somers

New Yorktown Chamber of Commerce

Town of Yorktown Agencies
ABACA
Building Inspector
Conservation Board
Fire Inspector
Highway Department
Planning Department/Board
Police Department
Refuse and Recycling
Town Attorney
Town Engineer
Water Department
Zoning Board of Appeals
File

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

AWARD BID – CUMMINS ENGINE OEM PARTS – HIGHWAY DEPARTMENT
RESOLUTION #263

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

WHEREAS, invitation to bid for the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, one bid was received and opened on June 22, 2015, with the bid amount for the above-referenced project summarized as follows:

Campbell Freightliner of Orange Cty LLC – 10% to be discounted from list price

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Cummins Engine OEM Parts be and is hereby awarded to Campbell Freightliner of Orange Cty, LLC, 2040 Route 208, Montgomery, NY 12549.

BE IT FURTHER RESOLVED, the contract is to begin on June 22, 2015 and terminate on June 21, 2016. The Town shall have the option to extend this contract at the same price for (5) consecutive one-year terms.

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

AWARD BID – JOHN DEERE OEM PARTS – HIGHWAY DEPARTMENT
RESOLUTION #264

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

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, one bid was received and opened on June 22, 2015, with the bid amount for the above-referenced project summarized as follows:

Jesco, Inc. – 2% discount from list price

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli,, the bid for the John Deere Construction Equipment OEM Parts be and is hereby awarded to Jesco Inc., 118 St. Nichols Avenue, So. Plainfield, NJ 07080.

BE IT FURTHER RESOLVED, the contract is to begin on June 22, 2015 and terminate on June 21, 2016. The Town shall have the option to extend this contract at the same price for (5) consecutive one-year terms.

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

ASPHALT CONCRETE LAID IN-PLACE – HIGHWAY DEPARTMENT
RESOLUTION #265

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

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 June 22, 2015, with the bid amounts for the above-referenced project summarized, see the attachment.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place be and is hereby awarded to Clove Excavators, Inc., 212 Van Wagner Road, Poughkeepsie, NY 12603, the lowest responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 1, 2015 and terminate on July 31, 2016. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

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

AUTHORIZE COMPTROLLER TO PAYOUT PATRICIA BARRESI THE CASH VALUE OF UNUSED TIME AS OF HER RETIREMENT DATE
RESOLUTION #266

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Patricia Barresi the cash value of unused time as of her retirement date

Rate of Pay: \$58.5616 hourly

Sick	565.50 hours	@	50%	=	282.75 hours
	282.75 hours	x	\$58.5616	=	\$16,558.29
Vacation	205.00 hours	x	\$58.5616	=	\$12,005.13
Personal Days	2.50 hours	x	\$58.5616	=	\$ 146.40
Floating Holidays	14.00 hours	x	\$58.5616	=	\$ 819.86

Longevity

\$1,400 / 261 days = \$5.36 per day

07/18/14 to 06/26/15 = 245 days

245 days x \$5.36 = \$ 1,313.10

Total \$30,842.88

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: L909.8 Library Fund Reserve for Employee Accrued Benefits
To: L7410.108 Library Lump Sum Payments
Amount: \$30,842.88

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

AUTHORIZE COMPTROLLER TO PAYOUT MARY DESILVA THE CASH VALUE OF UNUSED TIME AS OF HER RETIREMENT DATE RESOLUTION #267

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Mary DeSilva the cash value of unused time as of her retirement date

Rate of Pay: \$39.1117 hourly

Sick	1980.50 hours / 7 hours per day	=	282.93 days
	282.93 days – 165 days (applied to 41J)	=	117.93 days
	117.93 days x 7 hours per day	=	825.51 hours
	825.51 hours @ 50%	=	412.76 hours
	412.76 hours x \$39.1117	=	\$16,143.75
Vacation	329.00 hours x \$39.1117	=	\$12,867.75
Floating Holidays	14.00 hours x \$39.1117	=	\$ 547.56
Longevity			
	\$1,400 / 261 days = \$5.36 per day		
	09/05/14 to 06/26/15 = 215 days		
	215 days x \$5.36	=	\$ 1,152.40
	Total		\$ 30,711.46

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A909.8 General Fund Reserve for Employee Accrued Benefits
To: A6772.108 Nutrition Lump Sum Payments
Amount: \$30,711.46

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

AUTHORIZE COMPTROLLER TO PAYOUT PETER REYES THE CASH VALUE OF UNUSED TIME AS OF HER RETIREMENT DATE RESOLUTION #268

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay

Peter Reyes the cash value of unused time as of his retirement date

Rate of Pay: \$34.4133 hourly

Sick	1,500 hours (maximum)@ 750.00 hours	x	50% \$34.4133	=	750.00 hours \$25,809.98
Vacation	86.25 hours	x	\$34.4133	=	\$ 2,968.15
Personal Days	7.50 hours	x	\$34.4133	=	\$ 258.10
Total					\$29,036.23

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
D909.8 Highway Fund Reserve for Employee Accrued Benefits
To:
D5110.108 Highway Lump Sum Payments
Amount:
\$29,036.23

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

AUTHORIZE COMPTROLLER TO PAYOUT KATHLEEN SCANLON THE CASH VALUE OF UNUSED TIME AS OF HER RETIREMENT DATE RESOLUTION #269

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Kathleen Scanlon the cash value of unused time as of her retirement date

Rate of Pay: \$39.9759 hourly

Sick	487.00 hours 243.50 hours	@ 50% x	= \$39.9759	=	243.50 hours \$ 9,734.13
Vacation	84.00 hours	x	\$39.9759	=	\$ 3,357.98
Personal Days	4.50 hours	x	\$39.9759	=	\$ 179.89
Floating Holidays	7.00 hours	x	\$39.9759	=	\$ 279.83
Total					\$13,551.83

BE IT FUTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
L909.8 Library Fund Reserve for Employee Accrued Benefits
To:
L7410.108 Library Lump Sum Payments
Amount:
\$13,551.83

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDED AGREEMENT WITH MASER CONSULTING FOR SPARKLE LAKE DAM PROJECT
RESOLUTION #270

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an amendment to a Professional Services Agreement with Maser Consulting for the Sparkle Lake Dam project for additional tasks requested of Maser by the NYC DEC, AND, BE IT FURTHER

RESOLVED, that the above referenced agreement total lump sum cost of \$14,020.00 and allowances in the amount of \$5,000.00 for mandated soil testing and \$1,000.00 for reimbursables - to be funded from A1440.479 Special Projects.

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDED AGREEMENT WITH WSP SELLS FOR CROTON HEIGHTS CULVERT REPLACEMENT PROJECT
RESOLUTION #271

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an amendment to a Professional Services Agreement with WSP Sells for the Croton Heights Road Culvert Replacement for additional environmental permitting, AND, BE IT FURTHER

RESOLVED, that the above referenced agreement total lump sum cost of \$7,740.00 to be funded from A1440.479 Special Projects

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

RELEASE WETLAND BOND #WP-073-13 – CURRY STREET
RESOLUTION #272

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

WHEREAS, Mario & Ann Consolo, as applicant, posted check #730 which was deposited into the T33 account on December 16, 2013, in the amount of \$300.00 covering Wetland Permit #073-13, for work performed at the Curry Street location, 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 wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to Mr. & Mrs. Mario Consolo, 2947 Curry Street, Yorktown Heights, NY 10598.

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

WAIVE FEES ASSOCIATED WITH WETLAND OR SWPPP PERMITS FOR THE EAST OF HUDSON STORMWATER RETROFIT PROJECTS
RESOLUTION #273

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

WHEREAS, the East of Hudson Corporation is currently constructing stormwater practices in the Town of Yorktown to achieve phosphorus removal in the NYCDEP Watershed, and

WHEREAS, the cost of the design and construction of the stormwater retrofit projects are borne fully by the NYCDEP, NOW THEREFORE BE IT

RESOLVED, that fees associated with wetland or SWPPP permits for the East of Hudson Stormwater Retrofit projects that are being installed at no cost to the Town of Yorktown be waived.

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

RELEASE ESCROW DEPOSITS FOR JDG BUILDERS – STREET OPENING
PERMIT #014-006 - \$2,000, DRIVEWAY PERMIT #1188 - \$500
RESOLUYTION #274

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

Upon recommendation of the Highway Superintendent, the Town Board authorizes the release of the following escrow deposits to JDG Builders, 40 Shallow Stream Road, Carmel, NY 10512:

Street Opening Permit #014-006, \$2,000.00
Driveway Permit #1188, \$500.00

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

MONTHLY REPORTS

Upon motion made by Councilwoman Siegel, seconded by Councilman Diana,
To accept the Building Department Construction report for June 2015.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel,
The Town Board Meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown