

Meeting of the Town Board, Town of Yorktown held on April 26, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Greg Bernard, Councilman
Thomas Diana, Councilman
Edward Lachterman, Councilman
Vishnu V. Patel, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney
Margaret Gspurning, Human Resources

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss the employment of a particular individual.

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

MORRIS LANE- STORMWATER POLLUTION PREVENTION PLAN

Mr. Phil Sanders was present to request a Stormwater Pollution Prevention Plan for property on Morris Lane. He explained that the current plan exceeds the threshold of fill to be removed from the site.

Town Engineer Michael Quinn suggested the applicant come in and have a meeting with him to see if some of the concerns about this site plan can be addressed. One of the issues is that the driveway is very steep. The applicant agreed that he would come in for a meeting.

BOCES WATER USAGE

Water Distribution Superintendent David Rambo stated that the Water Department discovered that there was no meter or backflow devices attached to the culinary school building located on the BOCES campus in 2011. There is an estimated water usage bill of approximately \$25,000. Superintendent Rambo stated that he contacted BOCES and they are willing to pay half the estimated amount. The Town Attorney will send a letter to BOCES regarding this issue.

LITTERING

Town Attorney Michael McDermott suggested the Town Board adopt a local law establishing something similar to a "Red Light Camera Law." The law would allow for the owner of the vehicle caught on the camera to be issued a fine for littering rather than the driver of the vehicle.

Kim Angliss gage, Coordinator, Refuse and Recycling Department stated that the Battle of Yorktown was a great success but the Town needs more attention to littering around Town. She would like the Town Board to approve her purchasing "Do Not Litter Signs" which she would like to place in certain high litter areas around Town.

Supervisor Grace stated that this legislation would be the first of its kind in the nation to be passed by a local municipality.

Councilman Diana asked the Town Attorney to check the New York State Vehicle and Traffic Law with regards to littering on roadways to see if there is a law already in place.

Supervisor Grace would like to coordinate both the local law and the new signs to promote a Do Not Litter campaign around the Town.

DUMPSTER ENCLOURE PROPOSED LOCAL LAW

Town Attorney Michael McDermott stated that he prepared a draft local law for the Town Board to consider with regards to amending Chapter 245-5 of the Code of the Town of Yorktown entitled "SOLID WASTE". This would regulate dumpster enclosures, screening and fencing around receptacles and compactors.

AUTHORIZE TOWN CLERK TO REFER OUT THE PROPOSED DUMPSTER ENCLOSURE LOCAL LAW RESOLUTION #188

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

RESOLVED, that the Town Clerk is hereby authorized to refer a Proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled "SOLID WASTE" by amending Section 245-5 entitled "DEFINITIONS" and adding a new Section 245-20-1 entitled "RECEPTACLES: STANDARDS AND PLACEMENT" and adding a new Section 245-20-2 entitled "GARBAGE AND REFUSE COMPACTORS" to the list of agencies listed below for their review and recommendation, and

BE IT FURTHER RESOLVED, that comments and recommendations should be forwarded to the Town Clerk on or before May 24, 2016, and

BE IT FURTHER RESOLVED, a Public Hearing will be held on June 7, 2016, now

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

To: Westchester County Departments:
Westchester County Planning Department
Westchester County Planning Board

Town of Yorktown Agencies:
ABACA
Building Inspector
Planning Department/Board
Refuse and Recycling
Town Attorney
Town Engineer
File

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

AUTHORIZE COMPTROLLER TO PAYOUT BRIAN GRAY THE CASH VALUE OF UNUSED TIME RESOLUTION #189

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Brian Gray the cash value of unused time as of his date of separation, Friday, April 15, 2016.

Rate of Pay: \$51.1905 hourly

Vacation 156.50 hours x \$51.1905 = \$8,011.32
Personal Days 7.00 hours x \$51.1905 = \$ 358.34
Floating Holidays 14.00 hours x \$51.1905 = \$ 716.67

Total = \$9,086.33

Be It Further Resolved, that the Town Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:

A7020.101 Recreation Salary \$9,086.33
To:
A7020.108 Recreation Lump Sum \$9,086.33

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

ILLINGTON ROAD

The Town Board discussed a resident's request to purchase Town owned property located on Illington Road.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss negotiations for the possible sale of town property. Upon motion made by Supervisor Grace, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

Councilman Lachterman asked the Town Attorney to look into legislation that the Town of New Castle recently passed regarding the selling of dogs and cats.

REFER OUT AMENDED TREE ORDINANCE RESOLUTION #190

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

Resolved, the Town Attorney is authorized to refer out a draft local law amending the Tree Ordinance to the Tree Conservation Advisory Commission, and the Advisory Board on Open Space.

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

ESCROW FREE REQUIREMENTS

The Town Board decided to hold off on this discussion to a later date.

PLANNING DISCUSSION

The Town Board had a discussion with Planning Director John Tegeder and Bruce Barber, Environmental Consultant regarding how applicants move forward in the planning process.

Councilman Bernard would like to streamline the process to better serve applicants.

Supervisor Grace would like a master plan created for a regional stormwater pollution prevention plan that can be used as offsite mitigation.

BOND RELEASE #WP-051-09 AND WP-081-14

The Town Board placed this on the May 3, 2016 Town Board agenda.

BID AWARD – LAB SERVICES FOR THE WATER POLLUTION CONTROL PLANT – #16-1

The Town Board placed this on the May 3, 2016 Town Board agenda.

AUTHORIZE BUDGET TRANSFER RESOLUTION #191

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

Be It Resolved that the Comptroller is hereby authorized to transfer \$16,800.00 from the Town Board Medical Line (A1010.810) to the Street Lighting Repair line (A5182.418) for the replacement / repair of four (4) street lights located on Commerce Street.

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

AUTHORIZE BUDGET TRANSFER TO CLOSE OUT THE FOLLOWING CAPITAL PROJECTS
RESOLUTION #192

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

Be It Resolved that the Town Board authorizes the Budget Transfers listed below to close the following Capital Projects:

JX WPC Ammonia Removal
 From: YS Sewer Fund Balance
 To: JX Capital Cash \$4,077.50

JY Drainage / Baptist Church Rd / Mohegan Ave / Sherman Court / Old Crompond Rd
 From: A General Fund Balance
 To: JY Capital Cash \$34,624.37

HL Library Boiler / HVAC
 From: L Library Fund Balance
 To: HL Capital Cash \$88,894.84

JO Sewer Inflow / Infiltration
 From: JO Retainage \$18,693.75
 JO Fund Balance \$ 5,754.78
 To: YS Sewer Cash \$24,448.53

Be It Further Resolved that the Town Board authorizes the following Capital Projects be closed:

HM Oakside Sewer
 HS2 Commerce Street Streetscape – Phase 2
 HT Mohegan East Sewer
 JA Holland Sporting Club
 JY2 East Main Street Streetscape

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

AUTHORIZE COMPTROLLER TO PAY J. JOHN MICHAUD THE CASH VALUE OF UNUSED TIME
RESOLUTION #193

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

Be It Resolved that the Town Board hereby authorizes the Town Comptroller to pay J. John Michaud the cash value of unused time as of his date of termination, Wednesday, March 23, 2016.

Rate of Pay: \$30.6013 hourly

Vacation	38.75 hours x	\$30.6013	=	\$ 1,185.80
Personal Days	22.50 hours x	\$30.6013	=	\$ 688.53
Floating Holidays	15.00 hours x	\$30.6013	=	\$ 459.02
		Total		\$ 2,333.35

Be It Further Resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at termination as follows:

From: D5110.101 Highway Salary \$2,333.35
 To: D5110.108 Highway Lump Sum \$2,333.35

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

AUTHORIZE RELEASE OF RETAINAGE TO JAMES FORD PLUMBING & HEATING CO.INC. – AMMONIA REMOVAL PROJECT
RESOLUTION #194

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

Whereas, James Ford Plumbing & Heating Co., Inc. completed all plumbing work as part of the Ammonia Removal Project; and whereas the Town withheld \$4,077.50 as retainage, now therefore be it

Resolved, that the remaining retainage in the amount of \$4,077.50 is hereby released to James Ford Plumbing & Heating Co. Inc. of Yorktown Heights, NY.

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

AUTHORIZE COMPTROLLER TO PAY LARRY EIDELMAN THE CASH VALUE OF UNUSED TIME
RESOLUTION #195

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Larry Eidelman the cash value of unused time and pro-rated longevity as of his retirement date

Rate of Pay: \$ 47.2414 hourly
 \$377.93 daily

Compensatory	3.88 hours	x	\$ 47.2414	=	\$ 183.30
Personal Days	1 day	x	\$377.93	=	\$ 377.93
Vacation	12 days	x	\$377.93	=	\$ 4,535.16
Holiday Pay	3.09 days	x	\$377.93	=	\$ 1,167.80

Longevity
 \$1,925 / 240 days = \$8.02 per day
 01/24/16 to 03/30/16 = 42 days = \$ 336.88

Public Safety Officer Stipend
 \$1,200 / 240 days = \$5.00 per day
 01/01/16-03/30/16 = 57 days = \$ 285.00
 Total \$ 6,886.07

Be It Further Resolved that the Town Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
 A3120.102 Police Salary \$5,096.39
 A3120.107 Police Holiday \$1,167.80
 A3120.106 Police Longevity \$336.88
 A3120.131 Police Stipend \$285.00

To:
 A3120.108 Police Lump Sum Payments

Amount:
 \$6,886.07

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

AUTHORIZE RELEASE OF RETAINAGE TO JAMES FORD PLUMBING & HEATING CO.INC. – SEWER CONSENT ORDER COMPLIANCE CAPITAL PROJECT
RESOLUTION #196

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

Whereas, James Ford Plumbing & Heating Co. Inc. completed all plumbing work as part of the Sewer consent Order Compliance Capital Project; and whereas the Town withheld \$1,315.00 as retainage, now therefore be it

Resolved, that the remaining retainage in the amount of \$1,315.00 is hereby released to James Ford Plumbing & Heating Co. Inc. of Yorktown Heights, NY.

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

AWARD BID - BUSES FOR SUMMER CAMP PROGRAMS- PARKS AND RECREATION DEPARTMENT
RESOLUTION #197

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

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on March 30, 2016, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$16,330.00
2	Baumann & Sons Buses, Inc.	\$33,233.85
3	Hudson Valley Transportation	No Bid
4	Coach Tours	No Bid
5	JTR Transportation Corp	No Bid

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$989.00
2	Baumann & Sons Buses, Inc.	\$919.54
3	Hudson Valley Transportation	No Bid
4	Coach Tours	No Bid
5	JTR Transportation Corp	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. A. (School Buses for Swimming Program) and Section I. B (School Buses for Extended Day Program) be combined and is hereby awarded to Royal Coach Lines, Inc. the lowest responsible bidder.

Section I. C (School Buses for Trips 1, 3, 4, 5, 6, 9, 10, 13, 14, 15, 18, 19)

1	Royal Coach Lines, Inc.	\$8,060.00
2	Baumann & Sons Buses, Inc	\$8,790.00
3	Hudson Valley Transportation	No Bid
4	Coach Tours	No Bid
5	JTR Transportation Corp	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. C (School Buses for 1, 3, 4, 5, 6, 9, 10, 13, 14, 15, 18, 19) be and is hereby awarded to Royal Coach Lines, Inc. the lowest responsible bidder.

Section II (Coach Buses for Trips 1, 2, 3, 4, 5, 7, 8)

	COMPANY	BID
1	Hudson Valley Transportation	\$23,400.00
2	Coach Tours	\$25,686.00
3	JTR Transportation Corp	\$27,000.00
4	Baumann & Sons Buses, Inc.	No Bid
5	Royal Coach Lines, Inc.	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section II (Coach Buses for Trips) be and is hereby awarded to Hudson Valley Transportation, the lowest responsible bidder. AND BE IT FURTHER

RESOLVED, the results of sections I.A. and I.B., is hereby awarded to Royal Coach Lines. Inc., the results of sections I.C., is hereby awarded to Baumann & Sons Buses, Inc. and Section II, is hereby awarded to Hudson Valley Transportation and will amount to approximately: (please note – trips may change due to scheduling changes/conflicts/weather etc. Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) and Section I.B (1 bus) to Royal Coach Lines, Inc. = \$17,319.00
Section I.C to Royal Coach Lines, Inc = \$8,060.00
Section II to Hudson Valley Transportation = \$23,400.00

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

TEMPORARY CERTIFICATE OF OCCUPANCY- TACONIC VET HOSPITAL
RESOLUTION #198

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

Resolved, that the Building Inspector is authorized to issue a temporary certificate of occupancy to Taconic Vet Hospital built under Building Permit Number 20150388 and Canine Kindergarten built under Building Permit Number 20150337. This property is located at 3655 Crompond Road (36.5-1-18) within the Town of Yorktown.

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

ACCEPT DONATION OF SCULPTURE LOCATED AT THE YORKTOWN COMMUNITY
AND CULTURAL CENTER
RESOLUTION #199

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

RESOLVED, the Town Board of Yorktown gratefully accepts the donation of the sculpture entitled “Big Sky” created by the sculptor Al Landzberg, which is currently located at the end of the track at the Yorktown Community & Cultural Center.

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

STANDARD WORK DAY FOR APPOINTED AND ELECTED OFFICIALS
RESOLUTION #200

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

Be It Resolved, that the Town of Yorktown, Location Code 30031 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body.

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

ADJOURN

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

Diana L. Quast, Town Clerk
Town of Yorktown