

Meeting of the Town Board, Town of Yorktown held on May 17, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss the employment of a particular person. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Girls Scouts Gold Award recipient Sarah Fritz along with Eagle Scout Alex Rochare 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 TO THE TOWN, Supervisor Grace Spoke about the upcoming Memorial Day Parade that will begin at 11:00 a.m. on May 30, 2016 beginning at Town Hall and ending at the Jack DeVito Memorial Gazebo.

DURING REPORTS FROM THE TOWN COUNCIL, the following Councilmen spoke:

Councilman Diana stated that on May 21, 2016 there will be a bridge dedication for Army Specialist David R. Fahey, Jr. who died on February 28, 2011 serving the Armed Services during Operation Enduring Freedom.

Councilman Bernard stated that Chief McMahon has advised that the Police Department will be doing a traffic safety initiative from May 23 to June 5, Click It or Ticket.

Councilman Patel congratulated Gold Award Recipient Saran Fritz and Eagle Scout Alex Rochare.

Councilman Lachterman stated that there will be hydrant flushing taking place around Town.

Girl Scout Gold Award Winner Sarah Fritz Stated that she earned her Gold Award by making up welcome baskets for families that stay at the McDonald House.

Eagle Scout Alex Rochare stated that he constructed a small picnic area at the Yorktown High School.

PRESENTATION

Supervisor Grace introduced the Yorktown High School Mock Trial Team who were recently recognized as second in the region following the 2016 Mock Trial Tournament. He presented each student with a proclamation and congratulated them.

The following Yorktown High School Students participated in the event:

Brendan Lawlor

Samantha Horowitz
Deva Barer
Alex Recher
Jessica Recher
Meaghan McClure
Meaghan Brady
Gemma Small
Amanda Montgomery
Cheryl Luo
Joshua Ziluck
Nadia Risheg
Hannah Connolly

Westchester County Legislator Chairman Michael Kaplowitz, presented each student with a proclamation from Westchester County and thanked them for all their hard work. The Mock Trial Team Tournament is an educational program co-sponsored by the New York Bar Foundation to give high school students the opportunity to gain first-hand knowledge of civil and criminal law and courtroom procedures.

Westchester County Legislator Chairman Michael Kaplowitz gave an update to the Town Board on what has been happening on a County level.

ACCEPT RETIREMENT OF PATRICIA COLE – HIGHWAY DEPARTMENT
RESOLUTION #223

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

RESOLVED, the Town Board accepts the retirement of Patricia Cole from the Highway Department, effective May 30, 2016.

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

APPOINT MAINTENANCE WORKER (REPAIR) BUILDING AND MAINTENANCE
DEPARTMENT – STEVE VITULLI
RESOLUTION #224

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

BE IT RESOLVED that Steve Vitulli is hereby appointed to the civil service title, Maintenance Worker (Repair), within the Building Maintenance Department, job class code 0470-02, effective May 18th, 2016, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 11, Step 1, which is \$53,364.00 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 May 18th, 2016.

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

APPOINT JAMES MARTORANO SR TO THE BOARD OF ETHICS
RESOLUTION #225

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

BE IT RESOLVED that James Martorano is hereby appointed as a member of the Board of Ethics Committee for a three year term expiring on May 31, 2019.

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

REAPPOINT ALBERT J. DURANTE TO THE BOARD OF ETHICS
RESOLUTION #226

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

the area and the people don't want it. A petition was filed with the Town against this project. This will also have an effect on the Lakeland School District taxes.

Mr. Paul Jeffries asked what is to stop this from happening all over the Town. There is a need for diverse housing but this is not the right area for this type of project. There will be a change to the character of the community, increase in traffic, and he does not believe this type of housing stock is needed.

Mr. Ed Ciffone spoke about the housing going in on Kear Street, the Bernstein property and Mandalay Builders, he stated that this type of rezoning can set a precedent that will lead to this type of future development all over Town.

Supervisor Grace stated that the Town does not vet applicants that come before them with an application. He does not feel that this will set a precedent to other developers if it is rezoned and the Town will take a look at the traffic issues.

Councilman Bernard stated that the Planning Board and Zoning Board will review the site plans. The Town Board can make stipulations in the rezoning resolution to limit the amount of units proposed on this property.

Supervisor Grace stated that the Town Board will accept written comments until June 7, 2016.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion by Councilman Diana, seconded by Councilman Bernard and carried.

Mrs. Susan Siegel asked about the passive recreation component versus the fee in lieu of for recreational purposes.

Supervisor Grace stated that this would not be active recreation.

Mr. Jay Kopstein asked if the ZBA and Planning Board would have to approve the variance because others were done.

Supervisor Grace stated that the Town Board can box the Planning Board in and give direction to Planning Board.

Mr. Tom Perrone stated he is sorry that the Supervisor took umbrage to his comments.

Supervisor Grace stated he loves Mohegan Lake and wants to improve the area.

Mr. Tom Perrone stated then put developers behind your house. Protect us not the developers.

Supervisor Grace stated that he appreciated everyone's comments tonight.

AUTHORIZE TOWN CLERK TO REFER OUT A PROPOSED LOCAL LAW
AMENDING CHAPTER 115 ENTITLED ANIMALS ADDING A NEW ARTICLE VII
ENTITLED PET DEALERS AND PET STORES
RESOLUTION #229

Upon motion made Councilman Lachterman, seconded by Councilman Patel,

RESOLVED, that the Town Clerk is hereby authorize to refer a Proposed Local Law amending Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS" by adding a new Article VII entitled "Pet Dealers and Pet Stores."

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

Please respond by sending or emailing your comments to dquast@yorktownny.org on or before June 1, 2016.

TO: New York State Department of Agriculture and Markets
Westchester County Planning Board/Department

Town of Yorktown Agencies:
Building Inspector
Planning Department/Board
Police Department
Town Attorney
Town Board
Town Engineer
File

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

AUTHORIZATION TO TRANSMIT A HOME RULE REQUEST FORM THE HOME
RULE COMMITTEE COUNSEL AND NEW YORK STATE SENATE AND
ASSEMBLY
RESOLUTION #230

Upon motion made Councilman Diana, seconded by Councilman Bernard,

WHEREAS, the Town Board of the Town of Yorktown believes that an Industrial Development Agency in the Town of Yorktown would promote, develop, encourage and assist in acquiring, constructing, improving, maintaining or equipping certain facilities within the Town thereby advancing the job opportunities, health, general prosperities and economic welfare of the people of the Town of Yorktown;

WHEREAS, the Town of Yorktown is committed to ensuring diverse local job creation in Yorktown; and

WHEREAS, the Town Board believes that local labor should first be sought before securing outside labor for Industrial Development Agency assisted projects; and

WHEREAS, it is the intention of the Town Board for the Yorktown Industrial Development Agency to promulgate a declaration of motivation for the employment of local trades people and prioritize local labor;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 17, 2016 in support and passage of Assembly Bill A10005/Senate Bill S7255.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to transmit a home rule request form and a copy of this resolution to the home rule counsel of the state senate and state assembly.

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

AUTHORIZE BID EXTENSION FOR SPRINKLER INSPECTIONS AND TESTING
BID #14-1A
RESOLUTION #231

Upon motion made Councilman Patel, seconded by Councilman Diana,

WHEREAS, the Town Board at its meeting of June 3, 2014, awarded the Sprinkler Annual Inspection/Testing Bid #14-1A for various Town facilities, and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of two (2) years, and

WHEREAS, the Town previously exercised its contractual option to extend the bid for one year on 6/3/15, and

WHEREAS, the Town intends to extend this bid for the second and final renewal, NOW, THEREFORE, BE IT,

RESOLVED, Simplex Grinnell will be paid an annual rate of \$1,680 in accordance with its 2014 bid, for the final one-year extension period (June 1, 2016 to May 31, 2017).

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME FOR JOSEPH PAGLIARO
RESOLUTION #232

Upon motion made Councilman Patel, seconded by Councilman Lachterman,

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Joseph Pagliaro the cash value of unused time as of his date of retirement, Friday, April 29, 2016:

Rate of Pay: \$34.4133 hourly

<u>Sick</u>	35.15 hours @ 50% = 17.58 hours				
	17.58 hours x	34.4133	=		\$ 604.99
<u>Vacation</u>	135.00 hours x	\$34.4133	=		\$4,645.80
<u>Floating Holidays</u>	7.50 hours x	\$34.4133	=		\$ 258.10
<u>Longevity</u>					
	\$1,400 / 261 days = \$5.36 per day				
	04/07/16 to 04/29/16 = 17 days				
	17 days	x	\$5.36	=	\$ 91.12
<u>Medical Buyout</u>					
	\$2250 / 12 months = \$187.50 per month				
	08/01/15 to 04/29/16 = 8 months				
	8 months	x	\$187.50	=	\$1,500.00
				Total	\$7,100.01

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

From:		
D5110.101	Highway Salary	\$5,508.89
D5110.106	Longevity	\$ 91.12
D9000.108	Medical Buyout	\$1,500.00
To:		
D5110.108	Highway	\$7,100.01

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING DUPLICATE TAXES
RESOLUTION #233

Upon motion made Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments to CoreLogic Real Estate Tax Service:

Account #0279579 in the amount of \$ 580.12
Account #4353000 in the amount of \$3,966.85
Account #4155500 in the amount of \$4,628.26
Account #3720500 in the amount of \$ 213.28
Account #0035000 in the amount of \$3,200.77
Account #2194500 in the amount of \$4,685.23
Account #1333000 in the amount of \$4,044.93
Account #1883000 in the amount of \$4,012.43
Account #3847000 in the amount of \$4,361.49
Account #4149720 in the amount of \$4,580.07
Account #0279620 in the amount of \$1,405.29
Account #1072000 in the amount of \$ 227.90
Account #1702500 in the amount of \$3,395.10
Account #3857000 in the amount of \$3,461.75
Account #2475655 in the amount of \$5,731.84
Account #1899000 in the amount of \$4,388.22
Account #1007040 in the amount of \$3,625.43
Account #3886590 in the amount of \$5,294.58

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments to Wells Fargo Estate Tax Services, LLC:

Account #1770500 in the amount of \$4,113.36
Account #1766740 in the amount of \$3,062.57

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #2821000 in the amount of \$7,007.45
\$5,718.47
\$7,110.80

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

Councilman Lachterman spoke about puppy mills and would like to introduce proposed legislation to regulate pet stores and pet dealers.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mrs. Andrea Jeffries spoke about cigarette butts being thrown out of car windows and causing brush fires.

Supervisor Grace stated that the Town will starting an anti-littering campaign soon.

Mr. Norman Rosenblum spoke about the proposed Local Law regarding pet stores and pet dealers.

Mr. Daniel Strauss asked if the signs were put up at the Jack DeVito Veterans Memorial Field. He also asked when the big hole in front of the Roma Building would be filled in.

Councilman Diana stated that they were put up today and he is working on the getting the hole filled in.

Mr. Lanny Garwin spoke about pet stores, animal abuse and puppy mills.

Mr. Ed Ciffone asked if he could be appointed to the Board of Ethics.

Supervisor Grace stated it was already filled.

Mrs. Susan Siegel spoke about FERC and the release of the Environmental Impact Statement recently released. She asked if the Town Board would be commenting on it. She also asked if the Town Board would be accepting resumes for the Industrial Development Agency.

Mr. Jay Kopstein cautioned that personnel matters should not be discussed in an open session of the Town Board.

Mr. Ira Hurst spoke about banning the sales of puppy mills. He stated that the USDA needs to control this and do their jobs. No one regulates the selling of puppies from their own homes, this could cause a situation that is worse.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board meeting was adjourned.

Diana L. Quast, Town Clerk
Town of Yorktown