

Meeting of the Town Board, Town of Yorktown held on August 9, 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: Maura Weissleder, Deputy 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 Lachterman, the Town Board moved into Executive Session to discuss personnel and Volunteer Board Applicants.

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

1545 BAPTIST CHURCH ROAD

Environmental Consultant Bruce Barber presented the project that is being proposed. The applicant would like to tear down an existing structure and replace on that will have the same footprint. The new structure will be “bunker-style” with a grass roof and a new foundation will be poured. It has come before the board because it comes within certain footage of wetlands. Supervisor Grace stated that the project will be handled administratively and an administrative permit will be issued.

WETLAND & STORMWATER PERMIT APPLICATION – 1545 BAPTIST CHURCH ROAD
RESOLUTION #362

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

Whereas, on August 9, 2016, the Town Board reviewed the 1545 Baptist Church Road application to construct a single family home in which a wetland permit and a stormwater permit is required (proposed action), and

Whereas, there is an existing home and associated improvements on the lot which shall be demolished and there shall be minimal disturbance to the site and the wetland buffer from the proposed action,

Now Therefore Be It Resolved that the Town Board of the Town of Yorktown refers this application to the Town Engineer for review and approval.

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

PROPOSED MOHANSIC TRAILWAY

After having presented at a previous work session, the Yorktown Trail Town Committee (YTTC) in conjunction with Town Attorney Michael McDermott, established that ownership of the railroad spur is the Town’s. The FDR spur is being handled separately on state property with state permission. AT&T has all the rights above ground on the easement over the

transcontinental cable and the YTTC needs to ensure that AT&T are in agreement with the project. YTTC's status has been officially designated as a non-profit with the government, and the YTCCC is requesting that the Town Board provide a resolution of support that agrees the work needs to begin September 9 in order to meet the \$16,800 Hudson Valley Greenway Conservancy grant application deadline. The projected cost to the Town, depending upon what grants are received, would be somewhere between \$3,450 and \$20,250 and approximately 43% of the total cost is volunteer labor.

Highway Superintendent Dave Paganelli asked the Town Board if they want to pass a resolution directing him to do this work. The Highway Department will have to be reimbursed when the grant is awarded. Michael McDermott mentioned that a grant of \$7,500 has already been committed and mentioned that neighbors whose property abuts the proposed trailway need to be contacted about the project.

Bruce Barber, Environmental Consultant, asked how people will cross Route 118 as part of the trail. Highway Superintendent Dave Paganelli mentioned that if this trail is to cross Route 118, the YTTC needs to be in touch with the NYS Department of Transportation to discuss establishing a crosswalk.

Supervisor Grace stated that although this is a laudable project which he would like to see come to fruition, there are many contingencies that need to be address. He stated that he does not have an issue with the YTTC exploring grant options.

YORKTOWN TRAIL TOWN COMMITTEE GRANT APPLICATION
RESOLUTION #363

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

Be It Resolved, the Town Board hereby grants permission to the Yorktown Trail Town Committee to apply for a grant in the amount of \$16,700.00 from the Hudson River Valley Greenway Conservancy Trail Grant Program in connection with the proposed Mohansic Trailway along the old railroad spur from Route 118 to Baldwin Road.

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

WOODS II

Geri Schwalb and Isabel Cavanagh from the Woods II Condominium Association came before the board to discuss ownership of a stone wall that is in disrepair, as well as a sidewalk in need of repair. The Condominium asserted that the wall was not their responsibility since it existed well before the complex was built. Supervisor Grace pointed out that the wall was on an easement, and although the wall was built prior to the condo's ownership, the property was purchased by them with the wall on it and, as such, becomes their property to maintain. Supervisor Grace said the Town will look at the sidewalk issue for structural maintenance.

3017 OLD YORKTOWN ROAD

Project Engineer Dan Ciarcia came before the board to present his client's project of demolishing an existing single family home and garage and replace it with a new single family home and an on-site wastewater treatment system. An existing driveway will be reconfigured. Approximately 30,000 square feet will be disturbed. Mr. Ciarcia mentioned a memo from Town Engineer Michael Quinn which refers to a Site Plan Application Checklist which Mr. Ciarcia stated is not really relevant to this project but is used for a multi-family dwelling. Typically, site plan approval is not needed for single family residences.

Supervisor Grace stated that this project will be handled by administrative permit.

STORMWATER PERMIT APPLICATION – 3017 OLD YORKTOWN ROAD

RESOLUTION #364

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

Whereas, on August 9, 2016, the Town Board reviewed the application for 3017 Old Yorktown Road to construct a single family home in which a stormwater permit is required (proposed action), and

Whereas, there is an existing home and associated improvements on the lot which shall be demolished and there shall be minimal disturbance to the site from the proposed action,

Now Therefore Be It Resolved, the Town Board of the Town of Yorktown refers this application to the Town Engineer for review and approval.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye

Resolution adopted.

2200 SAW MILL RIVER ROAD

Peder Scott of P.W. Scott Engineering & Architecture, P.C. presented a dredging project he is working on at the residence of Mr. Brennan at 2200 Saw Mill River Road. The proposed work will require a Type 3 Non-Administrative Permit and will require a negative declaration, stormwater permit, wetlands permit, and long form environmental assessment. The project has been scheduled for the next Town Board Meeting on September 6th for the Town Board to declare Lead Agency and to send the project out on a 30 day referral. A public hearing may be set for October 18th.

TREE ORDINANCE

Bruce Barber, Environmental Consultant, and members of the Tree Advisory Committee presented a review of the latest version of the tree ordinance which now includes a better definition of what the forest management plan should be. A request was made by the Committee to change the celebration of Arbor Day to the last Friday in April in order to comport with the National Arbor Day, as well as the State Arbor Day.

Supervisor Grace said he would like to see the Tree Advisory Committee come up with a “tree master plan” for the town that would list potential areas for mitigation, i.e., areas that need planting or need to be cleared of invasive species, which would help define what we want to see happen in the Town.

A town resident mentioned that he would like to see severe penalties issued when a tree is not taken down when dead. He cited some examples of commercial property owners not cutting down trees which have either caused property damage to cars or caused other trees to die as a result of spreading disease.

A discussion ensued as to why the Town Board exempts town-owned property from this ordinance. Supervisor Grace stated that he is looking to the Tree Advisory Committee for direction as to what the Town needs and how this can be worked into mitigation plans. Supervisor Grace stated that, going forward, he would like to empower the Tree Advisory Committee to really be able to accomplish something. Councilman Bernard said the town would have to be careful of liability using mitigation as a way to clean up trees that need to be cut down on town property.

Suggestions made to the ordinance will be incorporated into a revised ordinance and a public hearing has been set for the September 20, 2016 board meeting.

ADVERTISE PUBLIC HEARING ON REPEAL OF CHAPTER 270 ENTITLED "TREES" AND
REPLACE IT WITH NEW CHAPTER 270 ENTITLED "TREE ORDINANCE"
RESOLUTION #365

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 20th day of September, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to repeal in its entirety Chapter 270 entitled "TREES" and replace it with a new Chapter 270 of the Code of the Town of Yorktown entitled TREE ORDINANCE.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website @ yorktownny.org
All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

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

SUPPORT CONNECTION RIBBON REQUEST
RESOLUTION #366

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

Be It Resolved, the Town Board hereby grants permission to Support Connections to tie pink and teal ribbons along the light poles on Commerce Street after Labor Day for the month of September for Support-A-Walk.

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

BOARD OF FIRE COMMISSIONERS REQUEST FOR WAIVER OF PERMIT FEES
RESOLUTION #367

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

Be It Resolved, the Town Board hereby agrees to the request from the Board of Fire Commissioners of the Yorktown Heights Fire District to waive permit fees of approximately \$12,000.00 for the Route 134 Fire Rescue Station Project.

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

REQUEST FOR PAYOUT TO FORMER EMPLOYEE, JULIO SISTO
RESOLUTION #368

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Julio Sisto the cash value of unused time as of his date of retirement, Friday, July 29, 2016.

Rate of Pay: \$41.2857 hourly
Sick Time: 1191.50 hours / 2 = 595.75
595.75 x \$41.2857 = \$24,595.96

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

| | | |
|-----------|---|-------------|
| From: | | |
| A909.0 | General Fund Accrued Employee Liability | \$24,595.96 |
| To: | | |
| A1440.108 | Engineering Lump Sum | \$24,595.96 |

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

REQUEST FROM HIGHWAY FOR COMPTROLLER TO TRANSFER FUNDS
RESOLUTION #369

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

Resolved that, at the request of the Highway Superintendent, the Town Board hereby authorizes the Town Comptroller to transfer the following:

- \$86,298.44 from D5142.403 Snow Materials to D5112.200 CHIPS for paving
- \$1,500.00 from D5140.420 Safety Inspections and
\$5,600.00 from D5110.467 Insurance
\$7,100.00 to D5110.479 Drainage

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

REQUEST FROM BUILDING MAINTENANCE FOR COMPTROLLER TO TRANSFER FUNDS
RESOLUTION #370

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

Resolved that, at the request of the Building Maintenance Director, the Town Board hereby authorizes the Town Comptroller to transfer \$14,000.00 from YCCC Fuel Oil Line to YCCC Building Maintenance for the purchase of materials to pave the YCCC Commerce Parking area.

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

REQUEST WAIVER OF RENTAL FEE FOR YCCC GYMNASIUM
RESOLUTION #371

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

RESOLVED that, at the request of the Parks and Recreation Department, the Town Board hereby waives the rental fee of \$768.00 for Norwest to use the YCCC gymnasium for its Fall Session (twelve weeks).

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

APPOINTMENT OF MAX A. ELLSWORTH, POLICE OFFICER
RESOLUTION #372

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

BE IT RESOLVED, that Max A Ellsworth is hereby appointed Police Officer in the Town of Yorktown effective August 10, 2016 to be paid \$52,727.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

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

APPOINTMENT OF ROBERT M. NOBLE TO POLICE CHIEF ON TEMPORARY BASIS
RESOLUTION #373

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

RESOLVED that effective August 29th, 2016 through September 6th, 2016, Robert M Noble is appointed to Police Chief on a temporary basis in the absence of an appointed Police Chief.

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

APPOINTMENT OF NICHOLAS DEVITO AS MOTOR EQUIPMENT OPERATOR,
HIGHWAY DEPARTMENT
RESOLUTION #374

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

BE IT RESOLVED, that Nicholas J DeVito is hereby upgraded to Motor Equipment Operator – Stock Clerk, job code # 0426-02 within the Highway Department effective August 15, 2016 to be paid from Yorktown CSEA Salary Grade 11, Step 1 which is \$53,364.00 annually, and be it;

FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 15, 2016.

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

APPOINTMENT OF PETER M. GOLDBERG AS MOTOR EQUIPMENT OPERATOR,
HIGHWAY DEPARTMENT
RESOLUTION #375

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

BE IT RESOLVED, that Peter M. Goldberg, is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective August 15th, 2016 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 2 which is \$51,872.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 15th, 2016.

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

APPOINTMENT OF NICHOLAS M. BERNARD AS MOTOR EQUIPMENT OPERATOR,
HIGHWAY DEPARTMENT
RESOLUTION #376

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

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

APPOINTMENT OF KEVIN HARRIGAN AS LABORER, HIGHWAY DEPARTMENT
RESOLUTION #379

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

BE IT RESOLVED that Kevin Harrigan of Yorktown Heights, NY is hereby appointed Laborer, job class code 0425-05, within the Highway Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,841.00 annually;

BE IT RESOLVED that contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Kevin Harrigan will report to work at the Highway Department on August 29th, 2016 and this date will be used as the first date of appointment,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 29th, 2016.

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

AWARD MUD DRUM REPAIRS ON SMITH BOILER LABELED #3 BID
RESOLUTION #380

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

WHEREAS, invitation to bid for Mud Drum Repairs on Smith Boiler Labeled #3 for the Town of Yorktown was duly advertised, and

WHEREAS, said bid was received and opened on August 9, 2016 with the bid amount for the above-referenced as \$25,250.00.

RESOLVED, that upon the recommendation of the Human Resources and Building Maintenance Director, the bid for Mud Drum Repairs on Smith Boiler Labeled #3 be and is hereby awarded to Peak Performance & Service, Inc., the sole responsible bidder.

BE IT FURTHER RESOLVED, the scope of work must be completed within 30 days of the Notice of Award but no later than October 1, 2016 to ensure that the boilers are available for use in Yorktown Community Center.

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

AWARD TRAFFIC LIGHT MAINTENANCE BID – VERDE ELECTRIC MAINTENANCE
CORP.
RESOLUTION #381

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

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bid was received and opened on August 8, 2016 with the bid amounts for the above-referenced project summarized as follows:

Verde Electric Maintenance Corp.

Hourly Rate:

| | |
|----------------|----------|
| Regular | \$262.50 |
| Overtime | \$327.60 |
| Sunday/Holiday | \$367.50 |

RESOLVED, that upon the recommendation of the Highway Superintendent, the bid for the Traffic Light Maintenance and Repair Services be and is hereby awarded to Verde Electric Maintenance Corp., the sole responsible bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 15, 2016 and terminate on August 14, 2017. The Town shall have the option to extend this contract at the same price two (2) times, for two (2) additional one-year terms, a total of three (3) years if all options to extend are exercised.

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

SITE ACCESS AGREEMENT FOR DRAINAGE – ROBERT STAHRMER AND HIGHWAY DEPARTMENT
RESOLUTION #382

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

Be It Resolved, the Town Board hereby authorizes the Town Supervisor to execute a site access agreement between the Town and Robert Stahmer to permit the Highway Department to enter onto Mr. Stahmer's property on Jerome Road in the Town of Yorktown for the purposes of installing underground drainage.

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

COMMERCIAL AND INDUSTRIAL INCENTIVE BOARD APPOINTMENTS

Supervisor Grace mentioned that within the next couple of weeks, before the end of the month, a meeting should be set up to complete interviews for this new board. This will be done in executive session.

STREET SWEEPING AND CATCH BASIN CLEANING

Highway Superintendent Dave Paganelli came before the Board seeking direction regarding compliance with catch basin cleaning and street sweeping. These are projects that can be done by outside contractors which would be very costly over time or purchase a Vactor and Sweeper, also at great expense, but would then be town property. A discussion took place regarding a Vactor truck that may be available from the Sewer Department which the Highway Department may be able to purchase.

ADJOURN

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

Maura Weissleder, Deputy Town Clerk
Town of Yorktown