

Meeting of the Town Board, Town of Yorktown held on August 4, 2015 at 281 at Downing Park, 2881 Crompond Road, 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: Diana L. Quast, Deputy 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.

PRESENTATION

Brian Gray, Parks and Recreation Superintendent thanked and welcomed everyone to Downing Park. He stated that hosting tonight's Town Board Meeting in Downing Park gave him the ability to showcase the newly renovated playground and park setting.

He explained that the renovation of the playground was made possible through a very generous donation to the Town made by the Gilbert Beaver Conference Farm. There was one stipulation attached to the grant and that was the money needed to go towards an accessible and inclusive play area or feature. Inclusive playgrounds are designed specifically to ensure children of multiple abilities can play together and not just along side each other.

This playground has been dedicated to former Recreation Commissioner Richard Huffield who served on the Commission from 1993 – 2006. His dream was that one day this park would have an accessible, inclusive playground where children of all abilities could play together. Where no one sits on the sidelines and feels left out and he is happy to say Richard's dream has finally become a reality.

He thanked the Parks and Recreation Commission, along with Raymond Michael from Playworld Systems who spent many hours researching numerous play apparatus to meet our goal and develop a playground that will provide new opportunities to not just children with disabilities but for their friends and families as well. Some of the playgrounds accessible features include the drum, chime and horn panels, a garden arch, the cruise line, a sky tower and the cozy cocoon.

He stated that this project gave the Parks Department the chance to step away from their daily routines throughout the year and showcase their abilities away from cutting grass, prepping and lining athletic fields, and opening and closing pools. Every member of the Parks Department was involved in one way or another during this project. Throughout the past few months this project has consisted of; tree work, concrete work, drainage improvement, electrical, fence work, excavation, brick pavers, landscaping, and last week we finished with the installation of the guardrail. It gave us a great opportunity to have the guys make suggestions, brainstorm, troubleshoot and implement their ideas as we moved forward with the project, which the outcome is this beautifully renovated asset to the community. He personally recognize each one of the Parks Department employees: Barry Gelbman, Dominic Monopoly, although now with another Department - Al Pisano, Steve Melillo, Vincent Haight, Mike Hoek, Guido Parks, Eric Holberg, Rich Williams, Andrew Cerrato, Peter Goldberg, Scott Ferreira and the newest member of the team Scott Gross.

He also mentioned that this project gave an opportunity to work together with other Town Departments. The Highway and Water Departments both assisted along the way providing much needed manpower and equipment. He thanked both Dave Paganelli, Highway Superintendent and Dave Rambo, Water Distribution Superintendent for their assistance and stated that he looks forward to working together on similar projects in the future. He hopes that everyone gets an opportunity to bring their children and grandchildren to Downing Park in the near future to play, challenge themselves, socialize and grow.

DURING REPORTS FROM THE SUPERVISOR, Supervisor Grace announced that the Town's outside auditors, O'Connor Davies, LLP gave its update to the Town Board at the Work Session last week and the Town is in great financial condition and it should have no problem meeting the tax cap of 1.78% for the 2016 budget. Supervisor Grace spoke about the benefits of moving the Highway and Parks Garages to the Greenwood Street location. Supervisor Grace stated that the Baptist Church Road Collapse is being worked on and the Town is looking into a hybrid approach to relining the pipes which are crushed in some areas. He would like to save the stone walls and have silt removed from the pond and disposed of. He anticipates that work will begin in the next few weeks.

DURING REPORTS FROM THE TOWN COUNCIL, Councilwoman Siegel stated that NYC DEP is allowing hook ups into the Hallocks Mill Sewer District if you meet certain criteria. She suggested homeowners apply for a new hook up while there is still room in the district.

Councilman Bernard stated that there is a new walking track and trail system at Trump Residences for everyone to use and urged residents to utilize the parks facilities in the northern part of town.

Councilman Diana thanked Brian Gray for his update on Downing Park and wished everyone a healthy, safe summer.

Councilman Patel stated that Downing Park is beautiful and everyone should come here and enjoy it.

DURING COURTESY OF THE FLOOR, the following people spoke

Mr. Paul Moskowitz read a prepared statement regarding the collapse of Baptist Church Road. A copy is on file in the Town Clerk's office. He urge the Town Board to fix and open this portion of the road quickly.

Ms. Patricia Peckham urged the Town Board to take swift action in getting Baptist Church Road open again. She also thanked the Town Board for answering some of the questions that they had. She hopes that the repairs will be done in a reasonable amount of time.

Ms. Leda Blumberg read a statement from her neighbor which entailed safety concerns he has on having this portion of Baptist Church Road closed.

Ms. Robyn Lynn stated that the blind corner on Baptist Church Road has barely enough room for two vehicles to pass each other.

Ms. Babette Ballinger stated that she lived on the corner of Hunterbrook and Baptist Church Roads and it is a very dangerous intersection. There have been many accidents and two fires recently in that area and she appreciates Supervisor Grace's effort to rectify the situation.

Supervisor Grace stated that the Town has legal obligations and because of that it does take some time to get things done.

PUBLIC HEARING

NORTHERN WESTCHESTER RESTORATIVE CARE-AMENDED SPECIAL USE PERMIT

Supervisor Grace convened a public hearing to consider the application to amend a Special Use Permit to construct a parking lot for an additional 27 cars and to redesign an existing trash receptacle area at the Northern Westchester Restorative Care Center located on the East

side of Lexington Avenue and known as Section 15.15, parcel 1, Lot 23 on the Tax Map of the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. David Barbutti, Architect for the applicant gave a description of the work to be done at the Northern Westchester Restorative Center.

Ms. Kathleen Hertz stated she lives next to the facility and has issues with crows because of the garbage receptacles not being closed properly. She also asked if there would be additional lighting put in.

Mr. Barbutti stated that there is not any new lighting planned at this time but if it is needed they will put in low level lighting. He will also take a look at the Garbage receptacles and replace them if they are not closing properly and provide full screening of the area.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion made by Councilman Bernard, seconded by Councilman Patel, the hearing was adjourned.

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW TO AMEND CHAPTER 200, OUTDOOR LIGHTING
RESOLUTION #316

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

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, NY on the 15th day of September, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Article III of Chapter 200 of the Code of the Town of Yorktown entitled "LIGHTING, OUTDOOR."

Section I. Section 200-7A of the Town Code of the Town of Yorktown is hereby amended by the addition of the following new paragraph (5):

- (5) Modification and waiver. The approval authority, upon finding that due to special conditions of a site certain requirements of Section §200-6 of this chapter are unsuitable for the site or incompatible with a plan of development, may vary or waive said requirements, provided that such variance or waiver will not be detrimental to the public health, safety, or welfare, or have the effect of nullifying the intent and purpose of the adopted Zoning Map, the Zoning Ordinance, the Comprehensive Plan, or this Chapter 200. In varying or waiving such conditions the approval authority may specify such conditions that will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

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.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW TO AMEND CHAPTER 275, FULL STOP SUMMIT STREET
AND UNDERHILL AVENUE
RESOLUTION #317

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

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, NY on the 15th day of September, 2015 at 7:30 o'clock PM to consider a proposed local law to amend Chapter 275, of the Code of Yorktown by adding a Full Stop at the intersection of Summit Street and Underhill Avenue

Section II. Section 275-6A in Chapter 275, entitled entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by adding the following location to the list of public highways upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer:

Summit Street at the southeast corner of the intersection with Underhill Avenue

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.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275, ADDING IVY KNOLLS PARK TO LIST OF PARK ZONES
RESOLUTION #318

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

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, NY on the 15th day of September, 2015 at 7:30 o'clock PM to consider a proposed local law to amend Article III of Chapter 275 of the Code of the Town of Yorktown:

Section 275-17E in Chapter 275, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Traffic and Parking Regulations,” is hereby amended by adding the following location to the list of park zones:

(h) Ivy Knolls Park:

[1] "Entering Park Zone" sign on Ivy Road, 300 feet east of boundary of the park.

[2] "Leaving Park Zone" sign on Ivy Road, southbound, 300 feet west of the boundary of the park.

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.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

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

APPOINTMENT
NOREEN O’DRISCOLL – NUTRITION SITE MANAGER
RESOLUTION #319

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

BE IT RESOLVED, that Noreen O’Driscoll of Yorktown Heights, NY is hereby appointed Nutrition Site Manager, job class code 0306-01, from eligible list #64-058 in the Nutritional/Senior Services Department, effective June 29, 2015 to be paid an annual salary of \$71,457;

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 June 29, 2015.

Grace, Patel, Siegel, Bernard, Diana Voting Aye

Resolution adopted.

APPOINTMENT
PETER CAPEK – BOARD OF ASSESSMENT REVIEW
RESOLUTION #320

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

BE IT RESOLVED, that Peter Capek is hereby re-appointed as a member of the Board of Assessment Review for a five year term expiring September 30, 2019.

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

APPOINTMENT
JOHN KINCART – PLANNING BOARD
RESOLUTION #321

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

BE IT RESOLVED, that John Kincart is hereby re-appointed as a member of the Planning Board for a five year term expiring December 31, 2019.

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

EXTEND BID
DEWATERED SLUDGE REMOVAL AND DISPOSAL
RESOLUTION #322

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

WHEREAS, the Town Board at its meeting of August 13, 2013, awarded the bid for Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant, Bid #13-04, to New England Waste Services of ME, and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of three (3) years, and

WHEREAS, the Town intends to extend this bid for a final extension period of one-year, NOW, THEREFORE, BE IT,

RESOLVED, that the Dewatered Sludge Removal & Disposal for the Water Pollution Control Plant, Bid #13-4, is hereby extended for a one year period (9/1/15-8/31/16).

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

ACCEPT BOND
JUNIOR LAKE MEMORIAL PARK – ALGONQUIN/SPECTRA
RESOLUTION #323

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

WHEREAS, Spectra Energy as applicant, provided the town with check #161033 in the amount of \$25,000.00 for Wetland Permit #038-15, to serve as the five year Wetland Bond for the Junior Lake Memorial Park location, and

WHEREAS, Spectra Energy as applicant, provided the town with check #161032 in the amount of \$2,500.00, to serve as the construction monitoring/escrow fee for Wetland Permit #038-15, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bond and fee for the above referenced Wetland Permit.

Grace, Patel, Siegel, Bernard, Diana Voting Aye

Resolution adopted.

RELEASE BOND
TEATOWN LAKE RESERVATION - #WP-FSWPP-028
RESOLUTION #324

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

WHEREAS, Teatown Lake Reservation as applicant, posted check #2083 in the amount of \$500 which was deposited into T33 account on October 6, 2014, covering permit #028-14, for work performed at their Spring Valley Road 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 \$500.00 for erosion control may be may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to Teatown Lake Reservation, 1600 Spring Valley Road, Ossining, NY 10562, Attn: Diane Baron.

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

RELEASE BOND
FARMWALK ROAD - #WP-070-14
RESOLUTION #325

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

WHEREAS, Yingli & Zuoxuan Lu, as applicants, posted check #1354 in the amount of \$500 which was deposited into T33 account on November 3, 2014, covering Wetland Permit #070-14, for work performed at their Farm Walk Road 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 \$500.00 for wetlands may be may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to Mr. & Mrs. Yingli Lu, 2882 Farm Walk Road, Yorktown Heights, NY 10598.

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

AWARD BID
SPARKLE LAKE DAM REHABILITATION
RESOLUTION #326

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

Bids were received for the Sparkle Lake Dam, Bid #15-2, and are summarized as follows:

| <u>NAME OF BIDDER</u> | <u>AMOUNT OF BID</u> |
|------------------------------|----------------------|
| CalMart Enterprise, Inc. | \$348,843.00 |
| Arold Construction Co., Inc. | \$531,960.00 |
| Legacy Supply, LLC | \$617,950.00 |
| Con-Tech Construction | \$665,818.00 |

RESOLVED, that the bid for the Sparkle Lake Dam, Bid #15-2, be awarded to the low bidder, CalMart Enterprises, Inc., at a cost of \$348,843.00.

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

AUTHORIZE AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF COMMUNITY MENTAL HEALTH FOR EMPLOYEE ASSISTANCE PROGRAM RESOLUTION #327

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

BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement between Westchester County Department of Community Mental Health and the Town of Yorktown for the Employee Assistance Program at a rate of \$45.00 per employee each year for the period of January 2015 through December 31, 2019.

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

REJECT AND REBID
JOHN DOWNING BASEBALL FIELDS SITE IMPROVEMENT PROJECT
RESOLUTION #328

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

WHEREAS, invitation to bid for the John Downing Baseball Fields Site Improvement Project for the Yorktown Parks and Recreation Department, was duly advertised, and

WHEREAS, only one bid was received and opened on the 30th day of July 2015,

Resolved, that upon recommendation of the Parks and Recreation Superintendent that the bid be rejected and the project rebid.

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

AUTHORIZE BUDGET TRAFNER – WATER DEPARTMENT
RESOLUTION #329

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$74,000 from the Water Department Special Projects Fluoride Line (SW.8340.0483.0005) to the Water Department Equipment Line (SW.8310.0200) for the purchase and installation of a new oil fired burner for the main office location.

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

AWARD BID TO FURNISH AND INSTALL A NEW OIL FIRED BURNER – WATER DEPARTMENT
RESOLUTION #330

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

WHEREAS, on June 17, 2015 the Water Department issued a request for bid to furnish and install a new hot water oil fired burner; and

WHEREAS, on July 28, 2015 three bids were received as follows:

| | Oil Burner | Asbestos Abatement |
|----------------------------|------------|--------------------|
| Unity Mechanical Corp. | \$74,000 | \$17,125 |
| Bertussi Plumbing | \$165,015 | \$14,250 |
| Southeast Mechanical Corp. | \$82,750 | \$18,000 |

THEREFORE BE IT RESOLVED the Town Board authorizes the Supervisor to sign an agreement with Unity Mechanical Corp., lowest bidder, for the purchase and installation

of a new hot water oil fired burner for \$74,000 and if necessary asbestos removal and abatement for \$17,125.

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

MONTHLY REPORTS

The Town Board accepted the Building Departments monthly report for July 2015.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Patel,
The Town Board Meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown