

Meeting of the Town Board, Town of Yorktown held on December 13, 2015 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
Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Highway Superintendent
Patricia Caporale, Town Comptroller
All Department Heads

Tardy: Thomas P. Diana, Councilman

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

ENGAGE BLANCHARD & WILSON AS LAND USE COUNSEL

RESOLUTION #541

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

Be It Resolved that the firm of Blanchard and Wilson is retained as the Town Land Use Counsel on Planning Board matters and the Supervisor is authorized to sign the retainer agreement with Blanchard and Wilson.

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

TERMINATION OF AGREEMENT WITH MCCARTHY & FINGER, LLP AS LAND USE COUNSEL

RESOLUTION #542

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

BE IT RESOLVED that the agreement with McCarthy & Finger, LLP as the Town's Land Use Counsel is hereby terminated.

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

APPOINTMENT OF DEPUTY COMPTROLLER – GENNELLE MACNEIL

RESOLUTION #543

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

BE IT RESOLVED, that Gennelle MacNeil of Montrose, NY, is hereby appointed to the civil service title, Deputy Town Comptroller, job class code 0063-01, from Eligible list No. 60-928, to be paid \$85,000.00 annually,

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

BE IT RESOLVED, that Gennelle MacNeil will report to work at the Yorktown Finance Department on January 3rd, 2017 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 January 3rd, 2017.

WHEREAS Resolution Number 592 of 2012 was adopted by the Town Board on December 18, 2012, and

WHEREAS, the Town Board defined its list of Managerial Employees by Office title

RESOLVED, that paragraph 11 is amended by adding Deputy Town Comptroller to the list.

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

AUTHORIZATION TO CARRY OVER VACATION

RESOLUTION #544

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

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry accrued 2016 vacation time for use in 2017 and

WHEREAS, the Comptroller has confirmed the available balances as of 2016 Payroll 24, for pay period ending November 25, 2016, now

THEREFORE BE IT RESOLVED, the following employees may carry over remaining vacation time balances as follows, unless the employee takes vacation time after 2016 Payroll 24 which would reduce the time listed below:

<u>Name</u>	<u># hours</u>
James Waterhouse	35
Michael McDermott	21

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

AUTHORIZATION FOR EMPLOYEE VACATION BUYOUT

RESOLUTION #545

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

WHEREAS, the Town Board on December 18, 2012 adopted a resolution clarifying the benefits provided to department heads and other managerial and professional employees holding office titles not covered by the Town's CSEA contract,

WHEREAS, the Town Board wishes to provide certain additional benefits to the Managerial Employees, as permitted pursuant to General Municipal Law 92(1),

WHEREAS, at the option of the Managerial Employee, he may buy back the cash equivalent of up to five (5) days of his unused vacation leave balance at any time in a calendar year by written notice to the Town Board and Town Comptroller at least two (2) weeks before the date of requested disbursement, but not later than December 15,

WHEREAS, the Comptroller has confirmed the available balances,

NOW THEREFORE BE IT RESOLVED, the Town Board approves the following Managerial Employees vacation buy outs:

<u>Name</u>	<u>Buyout days</u>	<u>Amount</u>
Isabel Klein	5	\$1,555.10

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW FOR STREET OPENING PERMIT
#015-007 FOR 3721 GOMER STREET
RESOLUTION #546

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

RESOLVED, that the Comptroller is authorized to release the escrow for Street Opening Permit #015-007 in the amount of \$2,000 to Mountain Meadow Farm & Services, Inc. 335 Clapp Hill Road, Lagrangeville, NY 12540.

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

AUTHORIZE CONFERENCE ATTENDANCE FOR KARREN PEREZ, SECTION 8
PROGRAM DIRECTOR
RESOLUTION #547

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

WHEREAS, the Housing Choice Voucher Program (Section 8) Program utilizes HAPPY as its software vendor and upgraded to its HAPPY Housing Pro 9 in 2015, and

WHEREAS, training continues to be required for this new software application, the Section 8 Program Director requests the Town Board's approval to attend the 2017 Users' Training Conference for this purpose, NOW THEREFORE BE IT

RESOLVED, that the Town Board approves Section 8 Program Director Karren Perez to attend the 2017 HAPPY Software Users' Conference scheduled for June 4, 2017 for three days in Saratoga Springs, New York at total cost not to exceed \$1,500.00 which will be at no cost to the Town of Yorktown.

The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development ("HUD").

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

AUTHORIZE SUPERVISOR TO SIGN A MAINTENANCE AGREEMENT WITH
BUSINESS ELECTRONICS, INC
RESOLUTION #548

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

RESOLVED, that the Town Supervisor is authorized to sign a maintenance agreement with BUSINESS ELECTRONICS, INC. for servicing the Yorktown Police Department's voice recorder equipment for the period December 1, 2016 through November 30, 2017. The annual contract amount is \$3,045.00.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH
WESTCHESTER COUNTY FOR USE OF COUNTY FIRING RANGE
RESOLUTION #549

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

RESOLVED, that the Town Supervisor is authorized to sign an Inter Municipal Agreement with the County of Westchester for use of the County's firing range for a flat rate of \$630.00 per eight hour tour.

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

AUTHORIZE SUPERVISOR TO RE-ENGAGE SULLIVAN DATA MANAGEMENT FOR INFORMATION TECHNOLOGY SERVICES
RESOLUTION #550

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

WHEREAS the Town of Yorktown's procurement policy allows for the Town Board to re-engage the same vendor without issuing a new Request For Proposals and an RFP for Information Technology Services was received from Sullivan Data Management on October 20, 2011 and awarded on November 1, 2011; now

THEREFORE BE IT RESOLVED that Sullivan Data Management is re-engaged for the services of Information Technology for an additional term of one year commencing January 1, 2017 through December 31, 2017 at a total cost of \$63,100 which represents no price increase from 2016.

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

AWARD BID FOR KENWOOD NX-5200K2 PORTABLE RADIOS AND EQUIPMENT FOR THE TOWN OF YORKTOWN POLICE DEPARTMENT
RESOLUTION #551

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

WHEREAS, invitation to bid for Kenwood NX-5200K2 Portable Radios and Equipment for the Town of Yorktown Police Department was duly advertised, and

WHEREAS, said bids were received and opened on November 11, 2016, and the results are as follows:

<u>Bidder</u>	<u>Amount Bid</u>
New York Communications 53 West Cedar Street Poughkeepsie, NY 12601	\$44,174.76
Goosetown Communications 50 North Harrison Avenue Congers, NY 10920	\$43,431.76
Electronic Systems Solutions, Inc. 250 Clearbrook Road Elmsford, NY 10523	\$40,795.56
MetroCom Wireless, Inc. 31 Plainview Avenue Bedford Hills, NY 10507	\$37,703.00

WHEREAS, Electronic Service Solutions and Broadcast Services, Inc. included in their respective bids an alternative product which after complete vetting did not meet the bid specifications requested, now

THEREFORE BE IT RESOLVED, that upon the recommendation of Police Lieutenant Thomas Gentner the bid for Kenwood NX-5200K2 Portable Radios and equipment be and is hereby awarded to MetroCom Wireless, Inc. 31 Plainview Avenue, Bedford Hills, NY 10507, the lowest responsive bidder.

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

Councilman Thomas Diana entered the meeting.

2017 BUDGET HEARING

Supervisor Grace called to order a public hearing to consider the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1st, 2017. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace provided an overview of the budget process. He spoke about differences between the Tentative Budget and the Preliminary Budget and commended all of the department heads for their hard work. He mentioned that he hoped everyone got their check from New York State as their share of the Town staying under the cap. Supervisor Grace stated that many people are under the misconception that two percent is the cap when it is actually the maximum or whatever the Town is told is the cap and this year it is very low .062 is the current. The Town is currently right at the cap; six-tenths of one percent. Supervisor Grace stated his appreciation for the department heads in keeping expenditures down while trying to increase revenue.

The following residents spoke:

Mr. Mark Lieberman, resident, asked if revenues are determined first and then the department puts in their budget. Town Comptroller Patricia Caporale explained that the department heads put in their expenditures first and it is then determined if the revenue meets those expenses. And if it doesn't, they need to make cuts. He asked if headcount has remained the same and the Town hasn't really changed the budget, what has gone down if there are salary increases. Supervisor Grace explained that there are several categories of employees which the Town is contractually bound to negotiate with regarding salary increases (i.e., CSEA, PBA, etc.).

Mr. Carl Tagmeyer, resident, spoke about budget for the Water District as it pertains to the Catskill Water Plant and the Fluoride Restoration Project. Mr. Tagmeyer asked about the grant money that was available through the State and the Department of Health. He was under the impression that the Town did not receive the grant. Supervisor Grace, confirmed by Town Engineer Michael Quinn, told that the Town actually did receive the grant.

Ms. Grace Caperino, resident, complained that the roads are in a deplorable state and fears that Yorktown is beginning to look like a substandard community. She said that in forty years she has never seen the roads look so terrible. Supervisor Grace said that it is, of course, a function of money and the Town is looking to get a few hundred thousand dollars back into the paving fund for 2017. Ms. Caperino asked about the money the Town received from Spectra – could that be used? Supervisor Grace said that it is part of the General Fund Balance but there are also a lot of demands on that money. He stated there is a Highway budget and that is where the money would have to come from, and would have to be transferred into by Town Board vote.

Mr. David Paganelli, Highway Superintendent, confirmed what Ms. Caperino stated. He explained how much it actually costs to repave just a small fraction of the 203 miles of road that the Highway Department is responsible for paving. Superintendent Paganelli explained that his department was able to get some funding in conjunction with Senator Murphy and the Pave New York Grant of \$87,000 which pays for about $\frac{3}{4}$ of a mile of road. He feels the Board has done a very good job of budgeting money and commended Pat Caporale for having his department come in at 1.6%. As far as salary increases, he explained that the department had several upper-tier salaried employees leave which enabled him to hire at a lower-tier salary. Supervisor Grace mentioned that if you don't correct the conditions (drainage, swales, catch basins) that cause unstable pavement, then paving will continue to be a problem. He also spoke about open space issues and trying to maintain Town-owned property. Superintendent Paganelli stated that he believes the Town has sufficient open space property and now needs to invest in infrastructure.

Mr. Ed Ciffone, resident, asked what the surplus is in the Highway Department. Town Comptroller Patricia Caporale stated that as of 12/31/2015, the balance was \$67,000. She could not quote this year's because revenues and expenditures for this year have not all come in yet. Mr. Ciffone stated that only the general fund can show a fund balance of unassigned money. He quoted the following: a tax levy is the amount of money a town needs to raise in order to balance the budget after other sources of revenue (building fees, sales tax, mortgage tax, interest earnings, etc.) are taken into consideration. Yorktown has 82 different sources of revenue. The tax rate is what the property owners pay per 1,000 of assessed value. Mr. Ciffone proceeded to review the budget with the Town Board.

Mr. Mark Lieberman approached the Board again regarding tax dollars and the local drug issue. Supervisor Grace said that a new position was funded in the police department to combat the issue of drugs in Town. Supervisor Grace and Councilman Lachterman also mentioned several programs that are run with the schools and the police department. On a town level, Councilman Diana heads up the Yorktown Against Heroin group.

Mrs. Susan Siegel, resident, asked if the Town Board would consider next year moving the budget hearing to 7:00 pm or 7:30 pm so that more residents can get past the dinner hour and be able to attend. She questioned the Town Board and the Town Comptroller regarding a salary issue in the Supervisor's Office. Ms. Siegel stated that the northern portion of Trump Park which straddles Putnam Valley has its taxes paid to Putnam Valley by New York State and that we are not receiving any money for the portion that is within Yorktown. There are other similar issues in Yorktown and she would like to know if anything is being worked on with Senator Murphy and our newly elected assemblyman to get the State to start working out getting the same treatment as Putnam Valley. She stated that the levy is an artificial number and is only relative to the tax cap. What has real meaning to the resident is the tax rate because that is what they pay. Mrs. Siegel proceeded to review the budget with the Town Board.

Supervisor Grace said they are working on it.

Councilman Patel presented a document with his concerns regarding some budget issues (previous generator purchase, roof repair, water lining, water rate increases, etc.). He and Supervisor Grace also held a discussion regarding open space purchases.

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

Supervisor Grace stated that he would like to see consideration given to the elimination of the open space fund collection of \$30 per capita and would like to keep everything else essentially the same – this would increase the General Fund and be able to put money into capital projects.

Councilman Patel is against ending the Open Space Fund.

Supervisor Grace stated that the money in the Open Space Fund can only be used for the purchase of open space and since the Town owns enough open space, there is no reason to keep collecting the money.

Councilman Patel said that the money should be used to maintain the open space that the Town does own, but was told by the supervisor and Councilman Lachterman that the money cannot be used for anything but the purchase of land. The collection of the money can be suspended for a certain amount of time and then if there is a need, the Town can begin collecting it again. If the Town wishes to collect money to maintain these open spaces, then it has to be done through the General Fund.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss the employment of particular individuals. Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and adjourned the meeting.

ADJOURN

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

Diana L. Quast, RMC
Town Clerk
Town of Yorktown