

Meeting of the Town Board, Town of Yorktown held on December 3, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

Absent: Nicholas J. Bianco, Councilman

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.

REPORTS FROM TOWN SUPERVISOR

Supervisor Grace spoke about the 2nd Annual Holiday Electric Lights Parade which will be held on Saturday, December 7, 2013 and urged everyone to attend.

REPORTS FROM TOWN BOARD MEMBERS

Councilman Murphy wished everyone a belated Thanksgiving Day, and Happy Chanukah. He also congratulated the Lakeland Girls Field Hockey team for winning their fifth straight State Title.

Councilman Paganelli wished everyone a belated Thanksgiving Day and announced the sponsors and supporters of the Holiday Electric Light Parade. The Sponsors are the Yorktown Parks & Recreation Department, the Parks and Recreation Commission, the Yorktown Fire Department, the Mohegan lake Fire Department, and the Town of Yorktown. The supporters are the Putnam County Savings Bank, NY Landscape Lighting, Chamber of Commerce, Storagetown and the Yorktown Funeral Home. He thanked everyone for their generosity.

Councilman Patel spoke about and Eagle Scout Ceremony, asked everyone to be safe this holiday season.

RESOLUTIONS FROM THE MEETING OF NOVEMBER 19, 2013

RESOLUTION #531

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

Resolved, that the Town Board Meeting Resolutions for November 19, 2013 are approved by the Town Board.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

No Public Comment Received.

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 15 CONCERNING BUILDING PERMIT RENEWAL FEES

Supervisor Grace convened a public hearing to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" concerning building permit renewals fees. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Mrs. Susan Siegel asked for a clarification in the proposed local law.

Building Inspector John Winter gave an overview of the proposed local law.

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

LOCAL LAW #10 OF 2013
AMENDING CHAPTER 15 CONCERNING BUILDING PERMIT RENEWAL FEES
RESOLUTION #532

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

WHEREAS, a public hearing was held on the 3rd day of December, 2013 pursuant to notice duly published as required by law to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" concerning building permit renewals fees.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #10/2013 was thereupon declared adopted.

ADVERTISE BID
ON CALL GRIT & BAR SCREEN DEBRIS REMOVAL & DISPOSAL FOR THE YORKTOWN SEWAGE TREATMENT PLANT #13-08
RESOLUTION #533

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

Sealed proposals will be received by the **Town Clerk** of the Town of Yorktown, Westchester County, New York, at the **Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:30 A.M., on Monday, December 16, 2013, for the On Call Grit Removal and Disposal for the Yorktown Heights Sewage Treatment Plant, Bid #13-08.**

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE REFUND
ZONING BOARD OF APPEALS FOR DECK, SECTION 69.6, BLOCK 1, LOT 14
RESOLUTION #534

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

RESOLVED, that the Town Board approves a refund in the amount of \$210.00 in connection with a Zoning Board of Appeals variance fee for Section 69.6 Block1, Lot 1 that was determined to be not required.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND
#BSWPPP-044-13 HEIGHTS DRIVE
RESOLUTION #535

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

WHEREAS, ABC Renovations (Rampa) as applicant for Tang, posted Check No. 3171 in the amount of \$600.00 (\$300 for wetlands and \$300 for erosion control) which was deposited into the T33 Account on August 9, 2013, covering Wetland & Stormwater Permit #044-13 for work performed at the Tang's Underhill Avenue residence, 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 \$600.00 may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to ABC Renovations, 1516 Heights Drive, Yorktown Heights, NY 10598, Attn: Mr. Andrew Rampa.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND
#BSWPPP-071-13 – BALDWIN ROAD
RESOLUTION #536

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

WHEREAS, Margaret Short as applicant, posted check #3516 in the amount of \$300.00 which was deposited into the T33 Account on September 13, 2013, covering Stormwater Permit #071-13 for work performed at her Baldwin Road residence, 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 \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Ms. Margaret Short, 1300 Baldwin Road, Yorktown Heights, NY 10598.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE BOND
#BSWPPP-025-13 – CALIFORNIA ROAD
RESOLUTION #537

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

WHEREAS, Rosemarie & Kai Schleupen as applicants, posted check #4635 in the amount of \$300.00 which was deposited into the T33 Account on June 28, 2013, covering Stormwater Permit #025-13 for work performed at their California Road residence, 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 \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Mr. & Mrs. Kai Schleupen, 177 California Road, Yorktown Heights, NY 10598.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #538

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

Year and Tax	S-P-L	Account #	Amount
2009-2012	16.17-1-82	0802000	\$842.50
Down Payment			
Installment Agreement			

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE BUDGET TRANSFER
TOWN ATTORNEY
RESOLUTION #539

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

BE IT RESOLVED, with respect to the Town Attorney budget, that the budget transfer resolution passed on November 12, 2013 concerning the transfer of funds to the Litigation Outside Counsel line is hereby rescinded; and be it further

RESOLVED that the following budget transfers, *FROM* each of the lines listed below *TO* line A.1420.0439 (Litigation Outside Counsel Fees), are hereby authorized:
\$20,000 from A1420.0424.0001 (Non-Retainer Tax Certs)
\$15,000 from A1420.0110 (Part time/Seasonal Salaries)
\$10,000 from A1420.0443 (Legal Settlements)

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
MOHANSIC GIRLS BASKETBALL, INC.
RESOLUTION #540

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

RESOLVED, that the Town Supervisor is authorized to sign a contract with Mohansic Girls Basketball, Inc., retroactive to January 1, 2013 in the amount of \$10,100, to provide a youth basketball program to the Town in 2013 to benefit Town residents.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ACCEPT A FEE SIMPLE DEED
LAKE OSCEOLA REALTY CORP.
RESOLUTION #541

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

WHEREAS, the Planning Board approved a site plan application filed by Lake Osceola Realty Corp., the owner (“Owner”) of a parcel located at Section 17.05 Block 1 Lot 1 (the “Property”), by resolution dated February 25, 2013, and

WHEREAS, the Planning Board conditioned its site approval of the Property upon, among other things, the Owner’s conveyance to the Town of a portion of the Property in fee simple and conveyance of easements to the Town over other portions of the Property for conservation and access; and

WHEREAS, a fee simple deed was conveyed to the Town on July 8, 2013, and due to clerical error was recorded prematurely; and

WHEREAS, the Town Board wishes to ratify the conveyance and accept the deed retroactive to July 8, 2013, the date of the deed; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the deed conveying a V-shaped parcel identified on the Survey dated May 3, 2013, prepared by Badey & Watson Surveying and Engineering, P.C., a copy of which survey is on file in the Town Clerk’s office, the parcel being deeded to, conveyed to, and accepted by the Town being that described on the Schedule A attached hereto, a copy of which shall be kept on file with the Town Clerk; and

WHEREAS, that the Lake Osceola Realty Corp. and the Town of Yorktown intend that the parcel so conveyed to the Town in fee simple shall be used solely for public passive recreation; NOW THEREFORE BE IT FURTHER

RESOLVED, that the Town Board hereby declares the portion of the Property conveyed by said deed to the Town by Lake Osceola Realty Corp. to be parkland.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

CORDING ROAD

The Town Board decided to discuss this issue at the December 11, 2013 Town Board meeting. Councilman Murphy would like to do a site visit.

ACCEPT MONTHLY REPORTS

- Receiver of Taxes
- Building Inspector
- Finance Department

APPROVE THE FOLLOWING MANAGERIAL EMPLOYEES VACATION BUY
OUTS
RESOLUTION #542

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

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

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>
Elfriede Schmid	5	\$1,499.60
Margaret Gspurning	5	\$1,676.45
Patricia Caporale	5	\$1,776.80
Brian Gray	5	\$1,705.00
Todd Orłowski	3	\$981.99
John Tegeder	5	\$1,954.00
Diana Quast	5	\$1,282.55

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE BUDGET TRANSFER
HIGHWAY DEPARTMENT
RESOLUTION #543

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

Resolved, the Town Board authorizes the Comptroller to transfer 487,312.00 from the Highway Fund Balance to D5112.210 the Highway Paving Line, and be it

Further Resolved, the Comptroller is hereby authorized to pay Bilotta Construction the balance owed to them for their road paving work in 2013.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

No Public Comment Received.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to adjourn the Town Board meeting.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown