

Meeting of the Town Board, Town of Yorktown held on January 28, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney
Patricia Caporale, Town Comptroller
Highway Superintendent David Paganelli

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Supervisor Grace, the Town Board moved into Executive Session to discuss the appointment of a particular person and Advice of Counsel. Upon motion made by Councilman Bianco, seconded by Supervisor Grace, to proceed with the Town Board meeting.

PLEDGE OF ALLEGIANCE

The Hotshot Hotwires 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.

GREENWOOD STREET COMMERCIAL PERMITS

Highway Superintendent Dave Paganelli was present to discuss with the Town Board about closing Greenwood Street to commercial permits beginning February 1, 2014. The Town Board agreed.

JACOB ROAD

Environmental Consultant Bruce Barber was present along with an applicant who would like to use property on Jacob Road for a farm. The Town Board was supportive of the project.

SHERRY DRIVE

Mrs. Macie was present to ask the Town Board to accept an easement that is next to her house. The Town Board decided to refer out this request.

MOHEGAN MANOR

Mr. Daniel Richmond, Esq. was present to ask the Town Board to allow Mohegan Manor to hook temporarily into the Town of Yorktown's sewer system. The Town Board agreed to allow Mohegan Manor to do testing on which area to hook into. The Town Board agreed to allow the temporary hook up and will place this issue on the February 4, 2014 agenda.

FORECLOSURES

The Town Board discussed four requests to sell Town-owned properties that people have asked the Town to sell. The Town Board agreed to sell a piece of property owned by the Town on Hayes Drive and Baptist Church Road to the highest bidder. They also reviewed a request to sell two parcels on Lookout Drive. Councilman Bianco asked to see if these two parcels were dock lots. The Town Board decided to place this issue on the February 4, 2014 agenda.

CERTIFICATE OF APPRECIATION

DEBBIE GUALTIERE

Supervisor Grace read the following Certificate of Appreciation:

For giving so much of yourself and for being a Dedicated Employee!
For caring about the Town of Yorktown
And making your Town proud for 25 Years of Service!
We join today to honor you as you move into your Retirement,
We offer you our Warmest Congratulations and Best Wishes!

PRESENTATION – HOTSHOT HOTWIRES

Supervisor Grace introduced the Hotshot Hotwires who are young students that did a research project on helping the community get information out to residents during times of inclement weather conditions. The Hotshots Hotwires presented their project to the Town. The Town Board thanked the Hotshots Hotwires for all their hard work.

PRESENTATION- NORTHERN WESTCHESTER HOSPITAL

Supervisor Grace introduced Joel Seligman, President and CEO of Northern Westchester Hospital. Mr. Joel Seligman gave a presentation to the Town Board on the changing times in the healthcare industry and the direction that the Northern Westchester Hospital is heading.

DURING HIS REPORT TO THE TOWN, Supervisor Grace congratulated the Lakeland Girl's Field Hockey Team on winning the State Finals for the fifth year in a row. He reminded residents that the second half of the school tax is due by January 31, 2014. He also stated that the Town is having E-Waste recycling days on February 18 and 21, 2014.

DURING REPORTS FROM TOWN COUNCILMAN, Councilman Bianco stated that AARP will be available to help seniors with their taxes at the YCCC.

Councilman Murphy Congratulated local restaurant Nuttin-To-It for being featured on the Food Network Channel. He also spoke about a recent water main break and thanked all of the Town workers for their hard work.

Councilman Patel wished everyone a Happy New Year. He congratulated a woman that just turned 103 from the Catherine Street Field home. He spoke about Captain Clayton Carpenter who recently died in a Blackhawk Helicopter accident while serving in the United States Army, he asked people to keep his family in their prayers.

ACCEPT RESOLUTIONS

JANUARY 14, 2014

RESOLUTION #37

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

Resolved, that the Town Board Meeting Resolutions for January 14, 2014 are approved by the Town Board.

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

APPOINTMENT

ROXANNE VISCONTI - ABACA

RESOLUTION #38

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

BE IT RESOLVED, that Roxanne Visconti is hereby appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring January 31, 2017.

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

APPOINTMENT
CHRISTOPHER TAORMINA - ABACA
RESOLUTION #39

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

BE IT RESOLVED, that Christopher Taormina is hereby appointed as an alternate member of the Advisory Board of Architectural and Community Appearance (replacing Roxanne Visconti's unexpired term) term expiring October 2, 2015.

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

APPOINTMENT
MICHAEL PICCIRILLO – CO-CHAIR ABACA
RESOLUTION #40

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

BE IT RESOLVED, that Michael Piccirillo, Co-Chair is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year expiring February 28, 2017.

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

APPOINTMENT
JOHN DILLON – CHAIR, ADVANCED LIFE SUPPORT
RESOLUTION #41

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that John T. Dillon is hereby reappointed as Chairperson of the Advanced Life Support Board for a two year term expiring on July 31, 2015.

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

APPOINTMENT
ROLAND FAUCHER – ADVANCED LIFE SUPPORT
RESOLUTION #42

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Roland Faucher is hereby reappointed as a member of the Advanced Life Support Board for a two year term expiring on November 30, 2015.

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

APPOINTMENT
LEE JOFFEE – ADVANCED LIFE SUPPORT
RESOLUTION #43

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Lee Joffee is hereby reappointed as a member of the Advanced Life Support Board for a two year term expiring on December 31, 2015.

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

APPOINTMENT

BARBARA SANTORO – ADVANCED LIFE SUPPORT
RESOLUTION #44

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Barbara Santoro is hereby reappointed as a member of the Advanced Life Support Board for a two year term expiring on March 31, 2015.

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

REAPPOINTMENT

STEVEN ZANON – BOARD OF ASSESSMENT REVIEW
RESOLUTION #45

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Steven Zanon is hereby reappointed as Chairperson of the Board of Assessment Review Board for a five year term expiring on September 30, 2018.

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

APPOINTMENT

RICHARD SHAW – CONSERVATION BOARD
RESOLUTION #46

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Richard Shaw is hereby appointed as a member of the Conservation Board for a three year term expiring on January 31, 2017.

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

REAPPOINTMENT

JOAN LANZBERG – ETHICS BOARD
RESOLUTION #47

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Joan Landzberg is hereby reappointed as a member of the Board of Ethics for a three year term expiring January 31, 2016.

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

REAPPOINTMENT

LAURIE NOONAN – SECRETARY, ETHICS BOARD
RESOLUTION #48

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

BE IT RESOLVED, that Laurie Noonan is hereby re-appointed as the Secretary to the Board of Ethics term expiring January 31, 2016

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

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

Mrs. Rhoda Sussman spoke about the senior clubs and the use they have at the Yorktown Community and Cultural Center.

Mr. Ken Belfer stated that the Community Housing Board has several openings, if anyone is interested in joining the Housing Board, please contact him.

Mr. Bill Kellner, Chair, Tree Conservation Advisory Commission spoke about Teatown Lake Reservation's Deer Management Plan.

Supervisor Grace stated that he would like to have an informational meeting on forest management and deer management within the Town of Yorktown.

Mr. Robert Gironda spoke about the application for a convalescent home to be located at 482 Underhill Avenue.

Supervisor Grace stated that an informational hearing can be held with the applicants to discuss this issue before the public hearing scheduled for March 4, 2014.

Ms. Geri Schwalb asked if an application was on file.

Supervisor Grace stated that it is a minimal application.

Mr. Robert Gironda spoke against the Convalescent home.

Mrs. Linda Gironda spoke against having a convalescent home in a residential neighborhood.

Mr. Steve Murphy spoke against the convalescent home and feels the applicant misrepresented their application.

Ms. Geri Schwalb asked if the home was on septic.

Supervisor Grace stated that there will be an informational hearing regarding this application on Monday, February 24, 2014 beginning at 7:00 PM.

Mrs. Susan Siegel asked about the procedure for filling vacant seats on advisory boards.

PUBLIC HEARING SHELL GAS STATION

Supervisor Grace convened a public hearing to consider the application of Shell Gas Station to amend a Special Use Permit for a canopy. Affidavits of Posting and Publication were presented by the Deputy Town Clerk. Certification of Notice to Interested Parties was presented to the Town Board.

No public comment was received.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion by Councilman Bianco and seconded by Councilman Murphy the hearing was closed. Supervisor Grace stated that a resolution adopting the amended special use permit will be done at the next Town Board meeting.

CHASE CORPORATE FLEX CARD PROGRAM RESOLUTION #49

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

Be it resolved that the Comptroller is hereby authorized to submit an application to JP Morgan Chase for the Chase Corporate Flex Card Program / Chase Business Capital Card.

The Town Supervisor will be the only authorized signer and this card will remain under the sole custody of the Town Supervisor at all times.

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

ATTEND NYS GOVERNMENT FINANCE OFFICERS ASSOCIATION ANNUAL CONFERENCE – COMPTROLLER CAPORALE – SANDRA SERRANO
RESOLUTION #50

Upon motion made by Councilman Bianco, seconded by Councilman Patel

BE IT RESOLVED, that Patricia Caporale and Sandra Serrano be given permission to attend the 2014 New York State Government Finance Officers Association Annual Conference to be held in Albany, New York April 1, 2014 through April 4, 2014, and be it

FURTHER RESOLVED, that expenses, including lodging and conference are expected to total approximately \$1,500.00 and sufficient funds exist in the Comptroller Conference line.

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

PAY OUT THE CASH VALUE OF UNUSED TIME - ESTATE OF PETER H. ANDROSKO
RESOLUTION #51

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay the Estate of Peter H Androsko the cash value of unused time and pro-rated longevity as follows:

Rate of Pay: \$25.0728

Sick	12.75 hours	x	\$25.0728	=	\$ 319.68
Vacation	112.5 hours	x	\$25.0728	=	\$ 2,820.69
Personal	22.5 hours	x	\$25.0728	=	\$ 564.14
Floating	15 hours	x	\$25.0728	=	\$ 376.10
Longevity (11/3/13 to 1/7/14)	47 days				\$ 144.00
				Total	\$ 4,224.61

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

PAY OUT CASH VALUE OF UNUSED TIME - SANDRA NORMAN
RESOLUTION #52

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

Be it Resolved that the Town Board hereby authorizes the Town Comptroller to pay Sandra Norman the cash value of unused time and pro-rated longevity as of her retirement date

Rate of Pay: \$39.2885

Sick	1171.25 hours @	50%	=	585.63	
	585.63 hours x	\$39.2885	=	\$23,008.33	
Vacation	175 hours x	\$39.2885	=	\$ 6,875.49	
Personal	21 hours x	\$39.2885	=	\$ 825.06	
Floating	14 hours x	\$39.2885	=	\$ 550.04	
Longevity (12/6/13 to 1/10/14)	26 days			\$ 140.00	
			Total	\$31,398.91	

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

PAY OUT CASH VALUE OF UNUSED TIME
ELFRIEDE SCHMID
RESOLUTION #53

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

Be it Resolved that the Town Board hereby authorizes the Town Comptroller to pay Elfriede H Schmid the cash value of unused time and pro-rated longevity as of her retirement date

Rate of Pay: \$42.8462

Sick	1400 hours	@	50%	=	700	
	700 hours	x	\$42.8462	=		\$29,992.34
Vacation	420 hours	x	\$42.8462	=		\$17,995.40
Personal	21 hours	x	\$42.8462	=		\$ 899.77
Floating	14 hours	x	\$42.8462	=		\$ 599.85
Longevity	212 days					\$ 1.137.16
	(3/15/13 to 1/3/14)					
					Total	\$50,624.53

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

ACCEPT BONDS AND FEES FOR YESHIVA/YKY
GREEN POWER DEVELOPERS, LLC
RESOLUTION #54

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

WHEREAS, Green Power Developers, LLC, as applicant for Yeshiva/YKY, provided the Town with License & Permit Bond #1000966162 in the amount of \$5,000.00, to serve as the Erosion Control Bond for the above referenced stormwater & tree permit for work located at the Yeshiva site on Illington Road, and

WHEREAS, Green Power Developers, LLC, as applicant for Yeshiva/YKY, provided the Town with License & Permit Bond #1000966163 in the amount of \$5,000.00, to serve as the Tree Protection & Mitigation Bond for the above referenced stormwater & tree permit, and

WHEREAS, Green Power Developers, LLC, as applicant for Yeshiva/YKY, provided the Town with Check No.1836 in the amount of \$1,500.00, to serve as the Inspection Fees, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced permit.

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

AUTHORIZE SUPERVISOR TO SIGN
WESTCHESTER COMMUNITY OPPORTUNITY PROGRAM – HEAD START
FOR USE OF ROOM (S) AT YCCC
RESOLUTION #55

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

WHEREAS, Westchester Community Opportunity Program, Inc. (Yorktown Head Start), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

YORKTOWN STAGE
FOR USE OF ROOM (S) AT YCCC
RESOLUTION #56

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

WHEREAS, Yorktown Stage, Inc., a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2014 calendar year (January 1, 2014 – December 31, 2023), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution, and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

CORPORATE CHILDREN'S CENTER CONSULTANTS, INC. - BRIGHT BEGINNINGS FOR USE OF ROOM (S) AT YCCC RESOLUTION #57

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

WHEREAS, Corporate Children's Center Consultants Inc. d/b/a Bright Beginnings Pre-School Learning Center, a New York for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2014 calendar year (January 1 – December 31, 2014), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution; and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

WAIVE FEES FOR NOR-WEST FOR USE OF ROOM (S) AT THE YCCC RESOLUTION #58

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

Resolved, that the Town Board waives the rent fee of \$1,062.36 for use of the YCCC gymnasium by Nor-West for their winter and spring session.

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

WAIVE FEES FOR SPARC FOR USE OF ROOM (S) AT YCCC

RESOLUTION #59

Upon motion made by Councilman Bianco, seconded by Councilman Patel
Resolved, that the Town Board waives the rent fee of \$1,874.64 for use of rooms
at the YCCC by SPARC, Inc., for the spring session.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT

SPCA OF BRIARCLIFF

RESOLUTION #60

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

Resolved, that the supervisor is authorized to sign a one year contract with the
SPCA in the amount of \$21,633.96 for the period January 1, 2014 through December 31,
2014, payable in monthly installments of \$1,802.83

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

AUTHORIZE TOWN COMPTROLLER - BUDGET TRANSFER

JOHN C. HART MEMORIAL LIBRARY

RESOLUTION #61

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

Be It Resolved, that the Town Comptroller is authorized to transfer \$30,000 from
the John C. Hart Memorial Fund Balance to the Library Children's Center Renovation
Capital Project.

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

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the
Town Board meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown