

Meeting of the Town Board, Town of Yorktown held on April 21, 2015  
at the Town Hall, 363 Underhill Avenue, 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: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
John Winter, Building Inspector

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss the employment of particular people. Upon motion made by Supervisor Grace, seconded by Councilman Diana, to move out of Executive Session and proceed with the Town Board meeting.

#### 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.

DURING REPORTS FROM TOWN SUPERVISOR, Supervisor Grace stated that Town Taxes are due by April 30, 2015. He also thanked the volunteers who participated in the Battle of Yorktown, the town's campaign against roadside litter.

Councilman Vishnu Patel congratulated Dr. Nalini Rau who was recently honored by the Arts Westchester 50/50 for her extraordinary contribution to Bharatnatyam indian classical dance as dancer, choreographer and teacher. She is a resident of the Town of Yorktown.

Councilwoman Susan Siegel also thanked the volunteers who participated in the Battle of Yorktown. The Councilwoman also stated that FERC, the Federal Energy Regulatory Commission will hold a meeting in Yorktown on May 11, 2015 at the YCCC concerning Spectra Energy's Atlantic Bridge Project.

Councilman Gregory Bernard stated that the Water Department has begun its annual hydrant flushing on April 17, 2015. He also read the Public Safety Report dated April 13, 2015, a copy of which is included with these minutes.

#### ACCEPT PUBLIC SAFETY REPORT DATED APRIL 13, 2015 RESOLUTION #145

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

RESOLVED, the Public Safety Report dated April 13, 2015 is hereby accepted.

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

Councilman Diana explained that nearly six hundred people signed up as volunteers for last weekend's Battle of Yorktown. He also explained that the Yorktown Citizens Task Force on Heroin will hold its second roundtable meeting at the Elks Club on April 29, 2015.

The following Girl Scouts who were awarded Gold Awards, Girl Scout's highest rank are also recipients of Certificates of Achievement from the Town of Yorktown:

Gold Award Recipients

Victoria Cicinelli  
Claire Donaldson  
Mariah Wurzel  
Ellen Spillane  
Gabrielle Branciforti

Supervisor Grace read the following Proclamation:

COURTESY OF THE FLOOR

Mr. Jay Kopstein read from a prepared statement, a copy of which is on file in the Town Clerk's Office. He stated that Mrs. Kim Angliss-Gage gave an excellent presentation concerning trash collection last week. Mr. Kopstein noted that on the Town's website it states that all single family residences in the Garbage District are charged the same tax and are permitted two 32 gallon containers, not to exceed sixty pounds, twice a week for trash pickup. He asked that the owners of 482 Underhill Avenue be made aware of this "requirement".

Mrs. Ann Kutter and Mr. Ron Buehl spoke about the Arbor Day Ceremony scheduled to take place on Friday, May 1, 2015. The ceremony will include a tree planting in honor of Lorraine DeSisto who passed away last year. Mrs. DeSisto was instrumental in the reestablishment of Arbor Day in the Town of Yorktown. The winners of the annual poster contest, which features artwork from 5<sup>th</sup> graders will be on display in Town Hall for the month of May. The winners of last year's contest will have their posters featured on banners displayed on light poles throughout the Town of Yorktown. Volunteers will plant trees at Sylvan Glen Park on May 2, 2015.

Mr. Paul Moskowitz thanked the Town Board for hosting last week's meeting with Spectra Energy. He also stated that some of the responses from the representatives were not truthful.

Mrs. Rosemarie Panio read from a prepared statement, a copy of which is on file in the Town Clerk's Office. She expressed her feelings about the tax increase voted on by the Town Board last year and asked that proposed projects in various parts of Yorktown be given due consideration since they have the potential to better fund the Town as well as future school budgets.

Mr. Dan Lefkowitz asked a series of questions including who are the liaisons to various boards and whether work sessions will be televised.

Councilwoman Siegel provided responses to some of the issues raised during Courtesy of the Floor.

PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 300 SETTING A FEE FOR A SPECIAL USE PERMIT FOR A COOP FOR FOWL ON RESIDENTIAL LOT

Supervisor Grace called to order a public hearing to amend Chapter 300 of the Zoning Code of the Town of Yorktown, setting a fee for a Special Use Permit for a coop for fowl on a residential lot. The Town Clerk presented affidavits of printing and publication.

Mrs. Nicole Fervan, spoke on behalf of her family and the Yorktown Grange opposing the proposal.

Mrs. Barbara Wilkins, Chairman of the Westchester County Agriculture and Farmland Protection Board stated that under New York State Law, the Town Board must look at the effect of any action it takes on property located within the County's Farmland Protection Board. There should have been an exemption in this law to farms included in the County's Farmland Protection Board.

Ms. Helen Flonay expressed concern about the fees in this law. She will send the Town Board examples of other municipalities' laws concerning fowl.

Mrs. Olivia Buehl spoke in opposition to the proposal.

The Chairman of the Westchester Putnam Grange spoke in opposition to the proposal.

Mr. Paul Moskowitz spoke in opposition to the proposal.

Mr. Paul Rafone also spoke in opposition to the proposal.

Mrs. Babette Ballinger spoke in opposition to the proposal.

Mr. John Winter, Building Inspector for the Town of Yorktown explained how this proposal came about.

Mr. Steve Robbins stated that he believes the fee in the proposal is excessive.

Jackie Zag spoke in opposition to the law.

Mr. Fred Golden also opposed the law.

Ms. Jenelle Robbins stated that why do chickens need an Animal Waste Management Plan?

Mr. Gil Kaufman asked if the Town of Yorktown was going to be a tree town or a chicken town.

All those present having been given the opportunity to be heard and there being no further discussion, upon motioned made by Councilman Bernard, seconded by Councilman Diana, the Public Hearing was closed.

AMEND PROPOSED LOCAL LAW AMENDING CHAPTER 300 SETTING A FEE FOR A SPECIAL USE PERMIT FOR A COOP FOR FOWL ON RESIDENTIAL LOT RESOLUTION #146

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

The application fee for a special use permit sought under this section shall be \$75 for an initial permit and \$35 for each renewal, or as otherwise hereinafter set by Town Board resolution pursuant to Chapter 168 (Fees) in the Master Fee Schedule.

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

LOCAL LAW #3 OF 2015 AMENDING CHAPTER 300 SETTING A FEE FOR A SPECIAL USE PERMIT FOR A COOP FOR FOWL ON RESIDENTIAL LOT RESOLUTION #147

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

WHEREAS, a public hearing was held on the 21<sup>ST</sup> day of April, 2015 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown setting a fee for a special use permit for a coop for fowl on residential lot.

RESOLVED, that Local Law #3/2015 as annexed hereto, be and is hereby adopted.

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 Patel	Voting	Aye
Councilwoman Siegel	Voting	Aye
Councilman Bernard	Voting	Aye

Councilman Diana                      Voting   Aye

Local Law #3 of 2015 is hereby duly adopted.

AMEND MASTER FEE SCHEDULE PERTAINING TO SPECIAL USE PERMIT  
RESOLUTION #148

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

RESOLVED, that the section of the Master Fee Schedule pertaining to Special Use Permits is hereby amended as follows:

<u>Special Use Permits, Generally</u>		
Initial application	\$625	300-247(A)
Renewal application	\$312	300-247(A)
<u>Special Use Permits, Specific Kinds</u>		
Gasoline filling station	\$1,500	300-247(A), 300-46
Coops and attached runs for fowl	\$75 initial fee, \$35/renewal fee	300-247(A), 300-81.3

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

AWARD REQUEST FOR PROPOSALS (RFP) FOOD CONCESSION STANDS AT TOWN  
POOLS  
RESOLUTION #149

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

WHEREAS, invitation to submit a Request for Proposal for the Operation of a Food and Refreshment Concession for the Yorktown Town Pools at Shrub Oak and Junior Lake as specified by the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said RFPs were received and opened on April 8, 2015 with the proposed amounts for the above-referenced project summarized as follows;

Costa Foods Inc.	\$8,000.00
O’Neill’s Concessions	\$7,100.00

WHEREAS, the Superintendent of Parks and Recreation recommends to the Town Board that the contract be awarded to Costa Foods, Inc. for the 2015 pool season

NOW, THEREFORE BE IT RESOLVED, that the bid to provide food and refreshment concession services at the Brian J Slavin Aquatic Center in Shrub Oak and the Junior Lake Pool in Yorktown Heights be awarded to Costa Foods Inc of 11 Lincoln Avenue, Rye Brook, NY 10573 for the amount of \$8,000.00 for the 2015 pool season.

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

APPROVE ELEVATOR MAINTENANCE CONTRACT – SCHINDLER ELEVATOR  
CORPORATION  
RESOLUTION #150

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

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with Schindler Elevator Corporation to provide Preventive Maintenance Service for the YCCC and Library elevators and Annual Hydraulic testing.

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

APPROVE CONFERENCE ATTENDANCE  
JOE VENITUCCI – NORTHEAST HEARTH, PATIO AND BARBECUE SEMINAR  
RESOLUTION #151

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

WHEREAS the Building Inspector has requested permission for Joe Venitucci to attend the Northeast Hearth ,Patio, and Barbecue Seminar held in Sturbridge, Massachusetts on May 4, 2015,and

WHEREAS the training and lodging are provided at no cost to the town, and

WHEREAS the department head has deemed it beneficial to the town to have this employee attend this training seminar, now

THEREFORE BE IT RESOLVED, that Joe Venitucci has permission to attend the Northeast Hearth, Patio and Barbecue Seminar in Sturbridge, Massachusetts on May 4, 2015. Expenses including food, lodging, and training are provided at no expense.

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

RELEASE EROSION CONTROL BOND

JOHN BARILE - \$2,500

RESOLUTION #152

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

WHEREAS, John Barile, as applicant, provided the Town with Check #167 in the amount of \$6,550, which was deposited July 30, 2014 (\$2,500 to serve as the Erosion Control Bond - \$2,500 to serve as the Wetland Bond to be held for three years - \$1,000 to serve as the Construction Monitoring Fee - \$550 for additional permit review), and

WHEREAS, the applicant has requested his \$2,500 Erosion Control Bond be released as the work is complete and property sold, 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 \$2,500.00 for erosion control may be released,

WHEREAS, the other \$2,500 Wetland Bond will remain in full force and effect for three years, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond be released to Mr. John Barile, 361 Route 6, Mahopac, NY 10541, his new address, as the applicant moved since posting the bonds.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WESTCHESTER COUNTY  
DEPARTMENT OF SENIOR PROGRAMS AND SERVICES FOR (WIN) WELLNESS IN  
NUTRITION IN THE AMOUNT OF \$12,991.00

RESOLUTION #153

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for (WIN) Wellness in Nutrition in the amount of \$12,991. This is for the period April 1, 2015 through March 31, 2016

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

APPROVE REQUEST FOR NAME CHANGE  
ANDREW DUQUET TO 443 EAST MAIN STREET ASSOCIATES, JV  
RESOLUTION #154

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

WHEREAS, The Town of Yorktown is the owner of a property located at 441 East Main Street, having tax map number 17.05-1-2 (the Parcel) which was acquired by tax lien foreclosure, and the Town has determined that the Parcel is not needed for Town use, and should therefore be sold; and

WHEREAS, Andrew M. Duquet, 130 Colonial Hill Rd., Mount Kisco, NY 10549, made an offer to purchase the Parcel and paid the Town a deposit of \$50.00; and

WHEREAS, after Town Board passed a resolution on March 17, 2015 approving the sale of the parcel to Mr. Duquet, he requested that title be conveyed to 443 East Main Street Associates, JV, located at 443 East Main Street, Jefferson Valley, NY, which owns the adjacent parcel;

NOW, THEREFORE BE IT RESOLVED, the Town Board determines that it is in the best interest of the Town to sell the Parcel to 443 East Main Street Associates, JV; and be it further

RESOLVED, that the Town attorney is hereby authorized to prepare and have executed all documents necessary to effectuate the sale of the Parcel, subject to the following conditions:

1. The Town will convey the Parcel by Quit-Claim Deed, subject to any and all conditions, restrictions, zoning, actions of Town and/or building inspectors, etc. affecting the Parcel or premises and to such facts as would be disclosed by a survey and inspection; the Town further will make no warranty or representation as to the condition, dimensions, location or physical existence of the property described therein, or to the marketability of its title, and the purchaser will assume all risk thereof.
2. The Purchaser shall pay prorated real property taxes at the closing.
3. As there is no title company involved, the Purchaser shall provide the Town with adequate funds for County Clerk's fees to enable the Town to record the deed.
4. 443 East Main Street Associates, JV shall agree to request and authorize the Town Assessor to merge the two adjacent lots after the deed has been recorded.

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

APPROVE BUDGET TRANSFER  
TOWN ATTORNEY  
RESOLUTION #155

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

BE IT RESOLVED, the following budget transfer in the Town Attorney's 2015 budget is hereby authorized:

\$10,000.00 from A1420.0424.0000 (Tax Cert Retainer) to A.1420.0437.0000  
(Foreclosure/Sale Expenses)

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

AUTHORIZE EXTENSION OF MICROFILM AND MICROFICHE READER/PRINTER  
MAINTENANCE, REPAIR AND SUPPLIES BID  
RESOLUTION #156

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

WHEREAS, bids for the Microfilm and Microfiche Reader/Printer Maintenance, Repair and Supplies were received and opened on May 21, 2013; and

WHEREAS, said bid was awarded to Metro Imaging, Inc. 10 Merry Lane, East Hanover, NJ; and

WHEREAS, said bid commenced June 3, 2013 through June 2, 2014

WHEREAS, the terms of the contract gives the Town the option to extend the bid for two additional one year periods;

BE IT RESOLVED, that the Town Clerk hereby recommends that the Town exercise its option to renew the contract for the final one year term of the bid; and be it

RESOLVED, that the date of the extension will commence June 3, 2015 through June 2, 2016.

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

ADVERTISE BID FOR NEW ROOF AT WATER DEPARTMENT BRICK BUILDING  
RESOLUTION #157

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

WHEREAS, the existing roof on the brick building (old pump house) located at the Water Department has reached a point where a replacement is necessary due to its old age; and  
THEREFORE BE IT RESOLVED that the Town Board authorizes the Water Distribution Superintendent to advertise for bids for a new roof on the Water Department brick building (old pump house).

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

AUTHORIZE SURPLUS EQUIPMENT TO BE SOLD ON AUCTIONS INTERNATIONAL,  
INC.  
RESOLUTION #158

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

WHEREAS, the Water Department Superintendent David Rambo has designated the 1990 John Deere Backhoe to be obsolete and not reliable for Water Department use;

THEREFORE BE IT RESOLVED, that the Town Board authorizes such equipment to be placed on public online auction with Auctions International, Inc., the Town's contracted auctioneer; and

FURTHER RESOLVED, the aforementioned equipment to be sold to the highest bidder upon Water Superintendent's approval.

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

APPROVE AMENDMENT TO THE CLEANING AND RELINING CONTRACT  
RESOLUTION #159

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

WHEREAS while performing field work on Hanover Street for the water main cleaning and relining project the Water Department staff discovered an additional 4,500 linear feet of water main that needs relining that is not included in our relining project contract;

WHEREAS the cost for this additional engineering, design and construction is \$28,600;

WHEREAS Water Distribution Superintendent David Rambo is requesting authorization to enter into an amendment #1 contract agreement with Weston & Sampson, PE;

THEREFORE BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a 20150330 Cleaning and Relining Amendment No. 1 with Weston & Sampson, PE to perform engineering, design and construction services for the additional 4,500 linear feet of water main for a total cost of \$28,600, to be paid out of the SW.8340.0483.0001 fund.

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

ADVERTISE BID FOR WATER MAINTENANCE MATERIALS  
RESOLUTION #160

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

WHEREAS, the Water Distribution Superintendent has prepared bid specifications for the purchase of water maintenance materials; and

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Water Distribution Superintendent to advertise for competitive bid for water maintenance materials.

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

AUTHORIZE TOWN CLERK TO REFER OUT CHESTNUT PETROLEOM  
DISTRIBUTIONS, INC REQUEST FOR A SPECIAL USE PERMIT FOR ADDITIONAL  
SIGNAGE  
RESOLUTION #161

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Chestnut Petroleum Distributors (Exxon Oil Co.), 2035 Saw Mill River Road for an amended Special Use Permit to provide for additional signage, to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, now

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by May 4, 2015.

Town of Yorktown Agencies:

ABACA  
Building Inspector  
Planning Board  
Planning Department  
Town Engineer

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

APPOINTMENT LABORER  
MARCEL COPELAND – POLICE DEPARTMENT  
RESOLUTION #162

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

BE IT RESOLVED, that Marcel M. Copeland of Peekskill, NY, is hereby appointed Laborer, job class code 0425-05, within the Police Department, effective May 11th, 2015 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$40,841.00 annually;

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



BE IT RESOLVED, that Marcel M. Copeland will report to work at the Police Department on May 11, 2015, 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 May 11, 2015.

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

APPOINTMENT LEAD MAINTENANCE MECHANIC (REPAIR)  
ALFRED T. PISANO – BUILDING MAINTENANCE DEPARTMENT  
RESOLUTION #163

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

BE IT RESOLVED, that Alfred T. Pisano is hereby appointed to the civil service title, Lead Maintenance Mechanic (Repair), job class code 0477-02, effective April 27, 2015, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 15, Step 2, which is \$68,039.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 27, 2015.

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

APPOINTMENT POLICE OFFICER ROBERT L. ROHR – POLICE DEPARTMENT  
RESOLUTION #164

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

BE IT RESOLVED, that Robert L. Rohr of Yorktown Heights, New York is hereby appointed Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-589 effective April 27<sup>th</sup>, 2015 to be paid the contractual salary of \$50,804.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks, commencing on the first date of appointment on April 27<sup>th</sup>, 2015.

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

ACCEPT RETIREMENT  
MARTIN SCATOLA – REFUSE AND RECYCLING DEPARTMENT  
RESOLUTION #165

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

Resolved, that the Town Board accepts the retirement of Martin Scatola from the Refuse and Recycling Department.

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

ADJOURN

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

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Alice E. Roker, Town Clerk  
Town of Yorktown