

Work Session held by the Town Board, Town of Yorktown on
May 22, 2012, held 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
David D. Paganelli, Councilman
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session with Police Chief McMahon to discuss the employment of a particular person.

OPEN SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel the Town Board moved out of Executive Session.

APPOINTMENT

SOLE ASSESSOR – KIM PENNER

RESOLUTION #206

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

BE IT RESOLVED, that Kim Penner, Deputy Town Assessor, job class code 0073-01, has completed the 12 week minimum probationary period and is hereby granted permanent status effective May 23rd, 2012.

BE IT RESOLVED, that Kim Penner is hereby appointed Sole Assessor effective May 24th, 2012 to fill the unexpired term of Sole Assessor in the Town of Yorktown through September 30, 2013 at an annual salary of \$93,500;

BE IT FURTHER RESOLVED, that the following applies with regard to time and medical benefits:

All medical, dental and vision benefits shall track the CSEA agreement. Sick days, personal days and floating holidays as well as other benefits afforded to CSEA members will be applied.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution Adopted

POLICE DEPARTMENT

Police Chief McMahon requested funding for a replacement K-9 patrol dog "Caesar" The cost is approximately \$10,000.

Councilman Bianco noted that a lot of municipalities are getting rid of the K-9 units and relying upon the County and State Police K-9 units.

Police Chief McMahon explained that our K-9 unit is different from the State Police and County Police Units. Since the 1970's the Yorktown Police Department has had two dogs. One dog is trained to detect drugs. The second dog is trained as a tracker.

Supervisor Grace asked the Chief if he believed this dog was a tool that could be used to his job.

K-9 POLICE DOG FUNDING

RESOLUTION #207

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

RESOLVED, that the Yorktown Town Board approves funding for the replacement of a K-9 police dog

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

BARKING DOGS

Police Chief McMahon explained that Judges in the Yorktown Court have deemed the current law too vague. The proposed local law updates the statute. The first time the dog owner is given a warning. If the Animal Control Officer has to make a return visit, the dog owner is given a summons.

The Chief and the Town Attorney were asked to work on a proposal that could be placed on the June 5th agenda for advertising a public hearing.

UNREASONABLE NOISE

Again, the current law was deemed to be too vague. The current concern appears to be at what decibel reading noise would be considered unreasonable.

The Town Attorney and the Police Chief were told to work on a proposed local law that could be placed on the next agenda for advertising.

METROPCS CELL TOWER PROJECT AT THE MOHEGAN WATER STORAGE TANK:

Metro PCS was represented by Counsel from Snyder & Snyder, LLP. The contractor on this project was also present for the discussion.

Water Distribution Superintendent David Rambo explained that MetroPCS entered into an agreement in December of 2009 which increased the size of the space they leased. The proposal is to locate their equipment two feet from the water tank.

Town Attorney Koster explained that MetroPCS has come up with an offer to move our equipment as well as to put in a gate. We on the other hand must agree to an abatement on the lease.

Councilman Murphy asked Mr. Rambo if his staff could do the work.

Mr. Rambo stated that he thinks so.

Supervisor Grace explained to the representative from Snyder and Snyder that in the case of the Water District, the Town Board sit as Trustees of the District, not the Town Board. The Board has a fiduciary responsibility to this district. He did not see the Town Board voting to give any type of abatement. Supervisor Grace said that he would take a look at this issue later this week.

ADVERTISE WORK SESSION

RESOLUTION #208

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

RESOLVED, the Town Board will hold a work session on May 29, 2012 beginning at 7:00PM

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

LYHUS PROPERTY, HANOVER STEET – REQUEST FOR WETLANDS PERMIT

Attorney Al Capellini, Esq., and the applicant, Mr. Lyhus appeared before the Town Board. Mr. Lyhus explained that the initial application for a wetlands permit to build this house was given to the Town Board a year ago. Since that time, we have been working with the NYC Dept. of Environmental Protection. They have approved our plans. We are back to work on getting the wetlands permit.

Supervisor Grace told the applicant to get on a Conservation Board agenda with the new plans. This request could be placed on the agenda for a Public Hearing on June 19, 2012.

NORTHERN WESTCHESTER ENERGY ACTION
CONSORTIUM

Mr. Paul Moskowitz, Chairman of the Yorktown Energy Board explained that he was told by the members of his committee that there they could pay for this renewal out of funds in the energy grant account.

Yorktown Comptroller Joan Goldberg explained that the grant has been expended.

NWEAC RENEWAL
RESOLUTION #209

Upon motion made by Councilman Bianco, seconded by Councilman Murphy

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to renew the Town's membership in the Northern Westchester Energy Action Consortium, at a cost of \$1,000, to be paid from the general fund and later reimbursed from energy grant funds if such grant funds become available for such purpose.

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

BERNSTEIN HOUSE

Mr. William Primavera joined the members of the Town Board for this discussion. Supervisor Grace explained that Mr. Primavera was the only person to respond to the Request for Proposal for Marketing the Bernstein House. Mr. Primavera explained that he was eager to begin. Supervisor Grace stated that he would work on a contract with Mr. Primavera and present it to the Board at the next meeting.

ADJOURN

Councilman Murphy moved, seconded by Councilman Bianco, to adjourn the Town Board meeting.

Alice E. Roker
Town Clerk
Town of Yorktown