

Regular meeting held by the Town Board,
On June 19, 2012, held at the Town Hall, 363 Underhill Avenue,
Yorktown Heights, NY 10598

Present: Michael J. Grace, Supervisor
Terrence Murphy, Councilman, Tardy
Nicholas Bianco, Councilman, Tardy
Vishnu Patel, Councilman
David Paganelli, Councilman
Alice E. Roker, Town Clerk

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

HIGHWAY GARAGE DISCUSSION

John Tegeder, Director of Planning, Sharon Robinson, Acting Town Attorney, Bruce Barber, Environmental Consultant and Lorraine DeSisto, Assistant Planner took part in the discussion.

As part of his Economic Revival Plan for the Town of Yorktown, Supervisor Grace spoke about the possibility of moving the Highway Garage to the Greenwood Street Sewer Plant parcel. The current site of the Highway Department could be very valuable to future development in the Heights area. We have to do an environmental assessment. There is funding available for a cleanup if necessary. We spoke to a representative involved with the Consolidated Grants. He explained that the project sounds like one that would be eligible for funding. Redeveloping the Heights area fits into the goals of the Empire Development Plan.

Yorktown Planner John Tegeder stated that the funding window is very narrow. We have to put in an application by July.

Councilman Bianco expressed concern that the residents living on Greenwood Street would not like this plan.

Councilman Paganelli expressed concern that we could be exposing ourselves to a cleanup that potentially would cost taxpayers thousands of dollars if we don't get funding. He also wondered how this would affect businesses already on Front Street.

Discussion on whether it was possible to complete a Phase I and Phase II Assessment before the grant deadline.

Acting Town Engineer Sharon Robinson stated that she was not sure Phase II would be completed.

A request for funding for a Phase I was discussed. The initial cost would possibly be \$2500. The Acting Town Engineer asked that she be permitted a sum up to \$3,000.

HIGHWAY GARAGE PHASE 1 TESTING

RESOLUTION #255

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

RESOLVED, that the Acting Town Engineer is authorized to prepare and send out a Request for Proposal (RFP) for a Phase I Environmental Study at the Highway Garage not to exceed \$3,000.

Grace, Patel, Paganelli Voting Aye
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, to move into Executive Session to conduct interviews for Town Comptroller.

Grace, Patel, Paganelli Voting Aye

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, to move out of Executive Session and proceed with the Town Board Meeting.

Grace, Murphy, Patel, Paganelli Voting Aye

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.

APPOINTMENT ETHICS BOARD

AVIAH COHEN PIERSON

RESOLUTION #256

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

BE IT RESOLVED, that Aviah Cohen-Pierson is hereby appointed as a member of the Ethics Committee for a three year term expiring December 31, 2015.

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

APPOINT CONSULTANT

ROBERT KILLEEN – ASSESSOR’S OFFICE

RESOLUTION #257

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

Resolved, that Robert Killeen is hereby appointed to serve as a consultant in the Yorktown Assessor’s Office for \$ 85.00 per hour; not to exceed 16 hours per week.

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

APPOINTMENT ABACA

MARK CONNELLY – CO-CHAIR

RESOLUTION #258

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

BE IT RESOLVED, that Mark Connelly is hereby reappointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring March 30, 2015.

BE IT FURTHER RESOLVED, that Mark Connelly is reappointed as Co-chair of the Advisory Board of Architectural and Community Appearance.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted

APPOINTMENT ABACA

WILLIAM PRIMAVERA

RESOLUTION #259

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

Be It Resolved, that William Primavera is hereby reappointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring March 30, 2015.

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

APPOINTMENT ABACA

HEIKE SCHNEIDER

RESOLUTION #260

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

Be It Resolved, that Heike Schneider is hereby appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring March 30, 2015

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

DEDICATION OF VARIOUS PARCELS

RESOLUTION # 261

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

WHEREAS, certain plots, pieces or parcels of land in the Town of Yorktown were offered for dedication to the Town for public use by various developers at various times, which parcels (the "Parcels") are identified in the table below as follows:

Column A – location of Parcel

Column B – tax map identification number of Parcel

Column C – Name of Subdivision

Column D – Map Number of Subdivision

Column E – Date Subdivision Map was Filed with County Clerk (Division of Land Records)

Column F- Municipal purpose for which Parcel was dedicated

and

WHEREAS, the Town Board finds that the developers' offers of dedication for the Parcels are still outstanding, and

WHEREAS, the Town Board finds that the formal acceptance of the offers of dedication is in the public interest and is consistent with the Town's policy with respect to the establishment and maintenance of roads, drainage systems, open space, and recreation in the Town,

NOW THEREFORE BE IT RESOLVED, the Town of Yorktown does hereby formally accept the Parcels for the purposes indicated for each respective parcel in the table below (a copy of which is on file in the Town Clerk's Office), and be it

FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign all documentation required to complete and effectuate the acceptance of the Parcels, and be it

FURTHER RESOLVED, that the Town Clerk shall cause this accepting resolution to be filed or recorded in the Office of the Clerk of the County of Westchester (Division of Land Records).

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

DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace spoke about the following events:

Yorktown's Fireman's Parade tomorrow, June 20, 2012,

The Greenwood Street Bridge has been shut down.

Demolition work will begin at the Holland Sporting Club this week. The hygienist hired by the Town has certified the site as being clean.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco announced that there will be a Penny Social at the John C. Hart Library on June 23, 2012.

Councilman Murphy announced that representatives of the Westchester County Clerk's Office will be in Yorktown on Thursday to process Passport applications. He also stated that the Ball Fields at the Granite Knolls site look awesome.

Councilman Patel spoke about the Rotary Dinner where Yorktown Assistant Planner Lorraine DeSisto and Councilman David Paganelli were honored for their community service. He also congratulated the 2012 valedictorian and salutatorian from Yorktown High School and Lakeland High School.

Councilman Paganelli spoke about the kick-off meeting of the CERT (Community Emergency Response Team.) Approximately 20 volunteers attended the meeting in Town Hall. The Councilman also announced that Con Edison was issuing reminders for people to conserve energy now that we're going into summer. Tomorrow's temperature is expected to be in the 90's.

Supervisor Grace spoke about the new Budget Oversight Committee. Volunteers should contact his office in Town Hall.

Councilman Paganelli announced that there was a very productive meeting at FDR Park concerning a proposed dog park for Yorktown. Former Supervisor Linda Cooper was in attendance. The location of the dog park will probably be the Donald Trump State Park.

Supervisor Grace announced that the Town had received a new para-transit van from Westchester County.

APPROVE RESOLUTIONS FROM THE JUNE 5, 2012 TOWN BOARD MEETING
RESOLUTION #262

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

Resolved, that the Town Board Meeting Resolutions for June 5, 2012 are approved by the Town Board.

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

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Highway Superintendent Eric DiBartolo thanked Acting Town Engineer Sharon Robinson and personnel from the Parks Department and the Sewer Department for their help with work on the Greenwood Street Bridge. We will meet New York State's requirements that would allow us to open the bridge tomorrow.

Mr. Bill Stoiberg, is concerned that employees from the Highway Department are using the parking lot near their office and close to the North County Trailway. It is always filled in the morning.

The Board responded that Highway Department employees do not park in that lot. Commuters and people who work in the area park in the lot. He was advised to use the lot nearest to Town Hall.

Mr. & Mrs. Dave Leitman, residents of Cordial Road and a neighbor complained about another neighbor who is harboring eight cats. Mr. Leitman said he has gone to the Building Department, the Police Department and the Animal Control Officer for help. Everyone says there is nothing they can do. The Leitmans say these cats use their deck and garden as a toilet and they need help.

Mrs. Leitman explained that she and her neighbor visited the neighbor in question and asked the owner of the property just to keep the cats on her property. They were met with curse words and the owner stating that she could do whatever she wanted to do.

Supervisor Grace asked the Town Attorney to look and see if there was anything the Town could do.

Mrs. Renee Fogarty representing Citizens for a Department of Public Works read from prepared remarks asking Supervisor Grace to reconsider the decision not to have a work session after tonight's Town Board Meeting on the subject of placing a referendum on the November Ballot that could lead to the creation of a DPW. She said the last time the Committee met with the Town Board, they were directed to come up with a report on future savings to the Town. We prepared the information and sent it to the Board as well as the press.

Mrs. Jane Daniels, also representing the Citizens for a Department of Public Works continued the discussion by explaining the work they have done on this issue.

Supervisor Grace thanked the Committee for the work they've done. He stated that tonight's meeting began at 5:00PM and they will not be having a work session after the meeting. Supervisor Grace further stated that he has an open mind on this issue. But, some of the savings mentioned in your report are inaccurate. The report does not take into account the fact that the number of employees has dropped 10% due to attrition. He further stated that it also does not take into account all of the new regulations that the Town must adhere to. Supervisor Grace said he will set up a meeting that department heads will participate in and the meeting will be televised.

Councilman Bianco stated that some of the information in this report was given to the Committee by our former Supervisor. We had discussions with her concerning this subject while she was in office.

Mr. Dave Goldberg began his remarks by stating that the Town spends about one half million dollars a year on fuel for its vehicles, he wanted to know if Yorktown had GPS systems in our vehicles.

Highway Superintendent DiBartolo stated that there are GPS systems in 68% of the Town's vehicles.

Mr. Goldberg questioned our back flow pricing policy.

Highway Superintendent DiBartolo stated that he instituted a change in 2007 after he was assigned to work with the Water Department as Director of Labor Operations. Mr. DiBartolo stated that this was done in an effort to come into compliance with the law.

Mr. Joe Bonnano, from J&J Backflow agreed that the Town was out of compliance with the law but, he is also concerned with the Town's back flow pricing law. He asked the Town Board for a list of every property owner with a back flow system.

The Town Clerk will send Mr. Goldberg a copy of the Proposed Local Law as well as the Notice of Public Hearing.

Mrs. Linda Miller, a representative of Citizens for a DPW stated that the committee is not saying that the Town's services are not good. We are saying they can be delivered more efficiently at a lower cost.

Mr. Ken Belfer, Chairman of the Yorktown Community Housing Board stated that his committee has two vacancies. He also spoke about Mohegan Lake Day which is July 15, 2012. There will be different activities throughout the day as well as discussions about the lake.

Mr. Edward Ciffone spoke about a police investigation. He apparently is not satisfied with the outcome. He also asked that the Town Board allow him and his issue, term limits to be discussed at the meeting for the DPW.

COURTESY OF THE FLOOR - CLOSED

PUBLIC HEARING

Supervisor Grace convened the public hearing to consider a request for a wetlands permit to construct a single family house on Hanover Street. The Town Clerk presented affidavits of posting and publication.

Mr. Albert Capellini, the attorney for the applicant stated that this parcel had been approved under density zoning. In 1981 a sewer connection was approved for this site.

Mr. Kyle Kalen, also representing the applicant spoke about the project. This is a one half acre parcel. The house will have a 1350 square feet footprint and will be in the wetland buffer. The house will be built on slab. The project will require the removal of 14 trees. The property will have two rain gardens. The rain garden on the north east side of the property will handle runoff from the roof and driveway, which will be an impervious surface. The rain garden to be located on the west side of the property will be used to slow down surface runoff.

Dr. Ron Abrams, an environmental scientist from Drew Associates, Inc. stated that he did a wetland functional assessment on the property (a copy of which is on file in the Town Clerk's Office.) The conditions of the functions at the site are based on an inspection that took place in 2011 and on a study of aerial photographs and State and National Wetland Inventory maps as well as his professional judgment. Dr Abrams further stated that conditions at the site ranked low or have a negligible contribution to the region's ecology. The parcel habitat and the watercourse that passes through it are severely disturbed. The wildlife habitat has a good canopy, but the ground cover is gone. The back of the site does not have any vegetative diversity. The project outlined by M. Kalen is the best plan for this site.

Councilman Bianco asked if the wetlands had been flagged.

Environmental Consultant Bruce Barber stated that he did verify the wetlands

Mr. Kevin Green, a neighbor of this property showed the Town Board members a video of water rushing across a nearby neighbor's property.

Councilman Bianco read a letter sent to the Town Board from Mrs. Susan Loughlin who owns property to the south of the Lyhaus property. Mrs. Loughlin states that she supports everyone's right to develop property they own, but the Lyhaus parcel is a bad candidate for development.

Heidi Frazier, the owner of a neighboring parcel stated that in order to build this house, more than 14 trees would have to come down. She further stated that this house, if the board approves it, will always be subject to flooding.

Supervisor Grace asked the applicant if there was anything that can be done to help the neighborhood as well as the property.

Dr. Abrams said the applicant would be happy to look into seeing if there was a neighborhood solution to this problem.

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

PUBLIC HEARING
AMENDED SPECIAL USE PERMIT

Supervisor Grace called to order a public hearing to consider a request from Northern Westchester Restorative Care to consider an application to amend a Special Use Permit for a one story expansion/renovation to the Northern Westchester Restorative Center (Treetops Rehabilitation and Care Center) located on the East side of Lexington Avenue and known as Section 15.15, parcel 1, Lot 23 on the Tax Map of the Town of Yorktown. The Town Clerk presented affidavits of posting and publication.

Mr. Gabriel Tchilingurian, was present to represent the applicant.

Supervisor Grace asked if there were any questions concerning this amended Special Use Permit. The application calls for the expansion and renovation of the facility formerly known as Tree Tops Rehabilitation and Care Center.

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

GRANT AMENDED SPECIAL USE PERMIT
NORTHERN WESTCHSTER RESTORATIVE CARE CENTER
RESOLUTION #263

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

WHEREAS, Northern Westchester Restorative Care and Rehabilitation Center ("previously Mars Nursing Home and Treetops at Mohegan Lake), has made application for an amended site plan and special use permit to allow a one-story 2,900 sq. ft. addition to its existing facility for a therapy room; and

WHEREAS as part of the application a site plan titled "Site Plan prepared for Treetops Rehabilitation and Care Center, LLC d/b/a North Restorative Therapy and Nursing Center" prepared by Walden Post Land Surveying P.C. dated October 17, 2011 was submitted to the Town Board; and

WHEREAS, the nursing home has sufficient available parking spaces and no additional patient capacity is proposed to be added and the Planning Department has concluded that an amended site plan approval by the Planning Board is not required; and

WHEREAS, the Town Board approved the existing special use permit and site plan on August 15, 2000; and

WHEREAS, a short-form EAF was submitted by the applicant, dated March 6, 2011; and

WHEREAS, on November 4, 2011 the Town Board declared its intent to be lead agency under SEQRA and referred the application to the following non-Yorktown agencies: New York City Department of Environmental Protection, New York State Department of Environmental Conservation, New York State Department of Transportation, Westchester County Planning Department, Westchester County Environmental Facilities, Town of Cortlandt; and to the following Yorktown agents and agencies: Environmental Consultant, Planning Board, Planning Department, Wetlands Code Inspector, Town Engineer, and Conservation Board; and

WHEREAS, memoranda were received back containing comments from the Planning Board, dated December 7, 2011, and the Conservation Board, dated December 19, 2011; and

WHEREAS, a duly noticed hearing was scheduled for December 6, 2011; and

WHEREAS, on December 7, 2011 the Planning Board gave comments to the Town Board on the application and recommended, *inter alia*, that the applicant seek a variance from the Zoning Board of Appeals for the north side yard; and

WHEREAS, the applicant applied to the Zoning Board of Appeals for the required variance, and on March 22, 2012, after a duly noticed hearing held on March 22, 2012, the Zoning Board of Appeals issued a variance for a 35.9' side yard where 40' is required; and

WHEREAS, the Planning Department issued a memorandum to the Town Board dated March 27, 2012 containing comments on the application;

WHEREAS, on June 5, 2012 the Town Board by resolution noticed a hearing to be held on June 19, 2012, and on June 19, 2012 said hearing was held; and

WHEREAS, the Town Board has reviewed the application, and has given consideration to the public comment and the comments of the referred agencies; and

WHEREAS, Section 617.5(c)(7) of the SEQR rules (6 NYCRR) categorize as a Type II action the construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

NOW THEREFORE, BE IT RESOLVED, the Town Board determines the issuance of this amended site plan and special use permit to be a Type II action under section 617.5(c)(7) of SEQRA and therefore no further review is required; and

BE IT FURTHER RESOLVED, hereby Town Board hereby approves the application of Northern Westchester Restorative Care and Rehabilitation Center for an amended special use permit and site plan titled "Site Plan prepared for Treetops Rehabilitation and Care Center, LLC d/b/a North Restorative therapy and Nursing Center" as prepared by Walden Post Land Surveying P.C., dated October 17, 2011.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted

Councilman Bianco was not present for this vote.

PUBLIC HEARING

Supervisor Grace called to order a public hearing to consider a proposed Local law amending Chapter 115 entitled "ANIMALS" to clarify the standard for a barking dog violation. The Town Clerk presented affidavits of posting and publication.

Supervisor Grace read the proposed local law which amends the current law by deleting the term habitual. Among the new provisions in the current law is the following: "It shall constitute a violation if the howling, barking, crying or whining is audible beyond the property line of the premises on which the dog is located and continues for ten minutes or more."

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

LOCAL LAW #7 OF 2012
RESOLUTION #264

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

WHEREAS, a public hearing was held on the 19th day of June 2012 pursuant to notice duly published as required by law to consider

RESOLVED, that Local Law #7 of the year 2012, 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 | Nay |
| Councilman Bianco | Voting | Aye |
| Councilman Murphy | Voting | Aye |
| Councilman Patel | Voting | Aye |
| Councilman Paganelli | Voting | Aye |

Local Law #7/2012 was thereupon declared adopted.

AWARD BID
PREVENTATIVE MAINTENANCE OF GENERATOR SYSTEMS
ENGINEERING – 12-3
RESOLUTION #265

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

Bids were received today for the Preventative Maintenance Generator Systems, Project #12-03, and are summarized as follows:

| <u>NAME OF BIDDER</u> | <u>AMOUNT OF BID</u> |
|------------------------------|----------------------|
| Peak Power Systems, Inc. | \$11,307.50 |
| Northeast Generator Co. | \$16,320.00 |
| Genserve, Inc. | \$18,970.00 |
| H.O. Penn | \$20,525.00* |
| *actual bid totaled \$24,786 | |

In order to award this bid I am requesting the Town Board adopt the following resolution:

RESOLVED, that the bid for the Preventative Maintenance Generator Systems, be awarded to Peak Power Systems, Inc., the low bidder, at a cost of \$11,307.50.

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

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275-40 (A)(I) ADDING TO THE LIST
OF AREAS DESIGNATED AS FIRE LANES (POLICE/COURT COMPLEX)
RESOLUTION #266

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Woodlands Legacy Fields, Strang Boulevard and Woodlands Drive, Yorktown Heights, New York on the 17th day of July, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," to add a Fire Lane at the Police Department and Courthouse. A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown's website www.yorktownny.org

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 198 ENTITLED “LANDMARK
PRESERVATION”
RESOLUTION #267

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Woodlands Legacy Fields, Strang Boulevard and Woodlands Drive, Yorktown Heights, New York on the 17th day of July, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending Chapter 198 of the Code of the Town of Yorktown entitled “LANDMARK PRESERVATION ” to allow the Landmark Preservation Commission to continue to function even when no qualified architect or historian is on the Commission and to require the Commission to obtain an owner’s consent before a property can be designated as a landmark. A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown’s website www.yorktownny.org

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

REFER AND ADVERTISE PROPOSED LOCAL LAW AMENDING CHAPTER 300-19 FOR
TEMPORARY BUILDING AND STRUCTURE
RESOLUTION #268

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

RESOLVED, that the Town Clerk is hereby authorized to refer a Proposed Local Law amending Chapter 300-19 entitled “Temporary Building Permits” and a Proposed Local Law amending Chapter 15 relating to building permit renewals to the list of agencies listed below for their review and recommendation, and

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

To: Westchester County Planning Dept.
 Westchester County Planning Board
 New Yorktown Chamber of Commerce
 Town of Yorktown Agencies
 ABACA
 Building Inspector
 Conservation Board
 Highway Department
 Planning Department/Board
 Town Attorney
 Town Engineer
 Water Department
 File

BE IT FURTHER RESOLVED, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Legacy Ball Fields, Route 132 at Strang Boulevard, Yorktown Heights, New York on the 17th day of July, 2012 at 6:00 o’clock P.M or as soon thereafter as same can be heard, to consider the adoption of the two Proposed Local Laws.

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

ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 15 BUILDING PERMIT RENEWALS
RESOLUTION #269

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Woodlands Legacy Fields, Strang Boulevard and Woodlands Drive, on the 17th day of July, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, 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 and building permit and certificate of occupancy fees.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING
UNSAFE STRUCTURE - 1481 MAIDEN LANE
RESOLUTION #270

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Woodlands Legacy Fields, Strang Boulevard and Woodlands Drive, on the 17th day of July, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, Pursuant to Chapter 135 of the Code of the Town of Yorktown.

An inspection by the Building Inspector determined that the structure is beyond repair. A fire has destroyed most of the structure. The Fire Inspector has placed an unsafe notice on the building and caution tape was placed in front of the structure.

The property located at 1481 Maiden Lane and is owned by Melitta Strelbel and is designated as Section 47.13, Block 1, Lot 15 on the Tax Map of the Town of Yorktown.

A copy of said documentation is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

PUBLIC HEARINGS FOR AUGUST 7, 2012
ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 280 RELATIG TO BACKFLOW FEES
RESOLUTION #271

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Downing Park, 2881 Crompond Road, on the 7th day of August, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER" regarding Backflow Testing Fees.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as

aforesaid.

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

ADVERTISE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 275-4E ENTITLED “VEHICLES AND TRAFFIC” ADD PARKING RESTRICTIONS ON STONY MANOR COURT (WHOLE CUL-DE-SAC)

RESOLUTION #272

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Downing Park, 2881 Crompond Road, Yorktown Heights, New York on the 7th day of August, 2012 at 6:00 o'clock PM, or as soon thereafter as the same can be heard to amend Chapter 275 of the Town Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” add parking restrictions on Stony Manor Court.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown’s website www.yorktownny.org

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 275-4A ENTITLED “VEHICLES AND TRAFFIC” TO LIMIT PARKING ON STONY MANOR COURT (PARTIAL CUL-DE-SAC)

RESOLUTION #273

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York, at Downing Park, 2881 Crompond Road, Yorktown Heights, New York on the 7th day of August, 2012 at 6:00 o'clock PM or as soon thereafter as the same can be heard to amend Chapter 275 of the Town Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” to limit parking on Stony Manor Court.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown’s website www.yorktownny.org

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

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

WETLAND PERMIT EXTENSION

ZEAL CONSTRUCTION

RESOLUTION #274

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

WHEREAS, Joe Scorsone of Zeal Construction, as applicant for Carozza, has submitted a letter requesting a time extension for the Carozza project for his Town Board Wetland Permit Application #WP-051-09, and

WHEREAS, the original wetland application remains unchanged, NOW, THEREFORE BE IT

RESOLVED, that the application is approved to be extended for one year plus two ninety day extensions thereafter.

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

RELEASE LANDSCAPE BOND
RUSTIC RIDGE COURT #1192
RESOLUTION #275

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

WHEREAS, Mohan Singh, as applicant, heretofore filed Landscape Bond #1192, in the amount of \$300.00, for Lot #3.14, in the Clover Ridge Estates Subdivision on Rustic Ridge Court, which were deposited into the T-30 Account on May 7, 1998, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #1192 in the amount of \$300.00 be and is hereby released to Mohan Singh, 1310 Rustic Ridge Court, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND
EVERGREEN STREET - #E-029-10
RESOLUTION #276

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

WHEREAS, Ed Gunther, as applicant, heretofore posted Check No.6983 in the amount of \$300.00, which was deposited into the T33 Account on July 29, 2010, covering Excavation Permit #029-10, for work performed at 2583 Evergreen Street, 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. Ed Gunther, 2583 Evergreen Street, Yorktown Heights, NY 10598.

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

AUTHORIZE SUPERVISOR TO SIGN
AMENDMENT WITH WSP SELLS AGREEMENT FOR WORK RELATED TO
GREENWOOD STREET NYS DOT RED FLAG POSTING
RESOLUTION #277

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

WHEREAS, the Greenwood Street Bridge over the Hallock's Mill Brook was inspected by the New York State Department of Transportation (NYSDOT) on June 15, 2012 and a Red Flag was issued as part of their inspection program (copy attached), and

WHEREAS, the NYSDOT notified the Town of Yorktown that roadway required remediation within 24 hours of receipt of the Red Flag dated June 18, 2012, and, NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an amendment to the existing agreement with WSP Sells for engineering services, to perform the structural analysis to address the Red Flag condition at Greenwood Street Bridge, in the amount of \$3,500.00.

Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH EMPIRE CONSULTING FOR DRUG AND ALCOHOL TESTING
RESOLUTION #282

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

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement between the Town of Yorktown and Empire Consulting for services in compliance with the Federal Department of Transportation regulations regarding drug and alcohol testing services in accordance with the fee schedule on file with the Town Clerk. The Agreement shall be effective from June 15, 2012 until June 14, 2013, subject to renewal at the Town's option.

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

AUTHORIZE SUPERVISOR TO SIGN A USE AND DISSEMINATION AGREEMENT BETWEEN THE NYS DEPARTMENT OF CRIMINAL JUSTICE AND THE TOWN OF YORKTOWN
RESOLUTION #283

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

RESOLVED, the Town Supervisor is hereby authorized to sign a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services providing, inter alia, for access by the Yorktown Police Department to criminal history data and record information maintained by the State.

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

AUTHORIZE THE SUPERVISOR TO SIGN THE CONTRACTUAL AGREEMENT BETWEEN THE TOWN OF YORKTOWN AND THE WESTCHESTER COUNTY OFFICE FOR THE AGING FOR TITLE IIIB-TRANSPORTATION SERVICES
RESOLUTION #284

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

RESOLVED that the Town Board of the Town of Yorktown hereby authorizes the Town Supervisor to sign the annual Title IIIB (Older American's Act) contract with the County of Westchester to offset some of the transportation costs associated with the Nutrition Program, and be it

FURTHER RESOLVED that the Town of Yorktown will receive \$8,449.00 in federal funds for the period January 1, 2012 to December 31, 2012.

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

AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH THE POND CONNECTION RELATING TO THE SHRUB OAK PARK DISTRICT'S DIFFUSER PROJECT
RESOLUTION #285

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

WHEREAS, the Shrub Oak Park District has issued a Request for Proposals for the installation of lake diffusers (aerators) into Shrub Oak Lake to improve the condition of the lake; and

The Town Board hereby determines that the proposed action is an Unlisted action under SEQRA, directs that an EAF be prepared, and states its intent to declare lead agency.

WHEREAS, proposals were received from The Pond Connection, dated April 23, 2012, and two other companies; and

WHEREAS, the Shrub Oak Park District, by letter to the Town dated May 25, 2012, informed the Town Board that it has selected The Pond Connection based on factors including

price and expertise, and requested the Town Board to enter into a contract with The Pond Connection; and

WHEREAS, the electrical work will be performed by P&M Electric at the hourly rates set forth in P&M's contract with the Town (separate bid); and

WHEREAS, The Pond Connection quoted \$11,145 for the work to be performed by it, and P&M Electric estimates the electrical work will cost \$3,475 for Option I and \$450 for Option II in labor and materials (total of \$3,925 for electrical work); and

WHEREAS, the Shrub Oak Park District has decided to proceed with both options, and the total cost of the proposed diffuser installation and electrical work is \$15,070; and

WHEREAS, the Shrub Oak Park District requires the release of funds by the Town from the Park District's reserve fund and a modification of its budget to pay for this project; and

WHEREAS, an EAF has been submitted, and the action has been determined to be an Unlisted Action under SEQRA; and

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board determines that there will be no significant adverse environmental impact as a result of said action, accepts the EAF, and declares lead agency, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Comptroller to release \$15,070 from the Shrub Oak Park District's reserve fund and to add that amount to the Shrub Oak Park District's budget; and be it further

RESOLVED that the Town Supervisor is hereby authorized to sign an agreement on behalf of the Shrub Oak Park District with STAHL HOLDINGS LLC (d/b/a THE POND CONNECTION), 64 Barnabas Road, Suite 5, Newtown, Connecticut 06470, to install two rotary vane compressors with three (3) diffusers each (total of six diffusers) into Shrub Oak Lake, for the amount of \$11,145.

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

AUTHORIZE THE SUPERVISOR TO SIGN AN EXTENSION AGREEMENT WITH EAGLE BUSINESS MACHINES FOR PHOTOCOPIER MAINTENANCE RESOLUTION #286

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an extension agreement for photocopier maintenance services with Eagle Business Machines, Inc., extending the contract awarded by competitive bid between the parties that expired on May 31, 2012 for 90 days, from June 1, 2012 through August 31, 2012, under the same terms and conditions.

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

APPROVE APPLICATION FOR DEC GRANT FOR WORK AT TURKEY MOUNTAIN RESOLUTION #287

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

WHEREAS, the Town of Yorktown Town Board authorizes the Planning Department to apply to NYS Department of Environmental Conservation for the Round 11 Urban and Community Forestry Grant (June 21, 2011), for the Yorktown Turkey Mountain Tree Maintenance Project and;

WHEREAS the Town of Yorktown Town Board will file an application in an amount of \$15,000, with a matching share, not to exceed \$50% of the grant amount, and;

WHEREAS this matching share will include cash, donations, supplies and/or materials, and volunteer labor as needed to meet the requirements of the grant and;

Upon approval of said request the Supervisor of the Town of Yorktown is authorized to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Town of Yorktown for Turkey Mountain Tree maintenance Project, be it

RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to apply to NYS Department of Environmental Conservation for the Round 11 Urban and Community Forestry Grant for the Yorktown Turkey Mountain Tree Maintenance Project.

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

REFUND DUPLICATE TAXES
RESOLUTION #288

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

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

Account # 0279500 Refund \$2,297.76

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

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

REFUND NORTHERN WESTCHESTER JOINT WATERWORKS
ACCOUNT #44-03770014 - \$1,169.55
RESOLUTION #289

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

RESOLVED, that upon recommendation of Clifford Kummer from the Northern Westchester Joint Water Works, a refund in the amount of \$1,169.55 is hereby issued to Janet O'Brien, 14 Adela Court, Yorktown Heights, NY 10598.

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

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

COURTESY OF THE FLOOR IS CLOSED

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown