

Work Session held by the Town Board, Town of Yorktown on
January 15, 2013, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

Tardy: Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman

EXECUTIVE SESSION

Upon motion made by Councilman Paganelli, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss Personnel, Litigation and appointment of outside auditors. Councilman Bianco and Councilman Murphy came into the meeting.

WORK SESSION

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster and Town Comptroller Patricia Caporale were also present.

Mr. Sussman stated that he is concerned with the lack of help from the Town with the clean up of the trees from Hurricane Sandy. There are elderly people that can't afford to pay someone to come out and clean up the trees that fell during the storm.

Supervisor Grace stated that the Town put out a bid for tree removal services but received no bids to the request. The Town cannot provide services to private homeowners.

Councilman Bianco and Councilman Murphy stated that they would come out on a weekend and help with the clean up.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT O'CONNOR DAVIES, LLP FOR OUTSIDE AUDITING SERVICES RESOLUTION #32

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

RESOLVED, that the Town Supervisor is authorized to sign an engagement letter with O'Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, NY 10528, to serve as the Town's outside auditors for Fiscal Years 2012, 2013 and 2014, at the following annual rate: \$50,000 for 2012, \$51,500 for 2013, and \$53,000 for 2014.

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

SET PUBLIC HEARING SECTION 8 ADMINISTRATIVE PLAN RESOLUTION #33

Upon motion made by Supervisor Grace, 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 the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 5th day of February, 2013 at 7:30 o'clock PM or as soon thereafter, as the same can be heard, regarding revisions to the Yorktown's Housing Choice Voucher Program.

A copy of the program is on file in the Office of the Town Clerk as well as the Yorktown Section 8 Office, where it may be inspected during regular hours. It may also be seen on the Town of Yorktown's website www.yorktownny.org

Any questions pertaining to this proposal, please contact the Yorktown Section 8 office at (914)962-5757.

All persons in interest and citizens may be heard at the public hearing as aforesaid

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

YCCC LEASE AND USAGE ISSUES

YCCC Office Manager Patty DeMarsh and Parks & Recreation Superintendent Brian Gray were present to discuss with the Town Board a request from the Teen Center to have exclusive use of Room 104 in the YCCC. Parks & Recreation Superintendent Brian Gray stated that the Teen Center cannot have exclusive use of the room but they will try to give them the room as much as possible when no programs are scheduled.

YCCC LEASE AGREEMENT – BRIGHT BEGINNINGS RESOLUTION #34

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an Agreement with Bright Beginnings to hold in place the YCCC 2012 rent rate for 2013.

BE IT FURTHER RESOLVED, that the term of the license is from January 1, 2013 through December 31, 2013.

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

YCCC Office Manager Patty DeMarsh asked about the abatement clause in the license agreement with Head Start for rental space at the YCCC. The Town Board agreed to calculate the abatement at a daily rate.

Mrs. DeMarsh asked if the Town should be charging the Taconic Post Card Club a non-profit rate for rental space at the YCCC. She has received a request from the Taconic Post Card Club to use a room in the YCCC once a month. The Town Board decided that they should be charged the non-profit rate. Mrs. DeMarsh also asked about the AARP Tax Program which sponsors help with taxes for seniors. The Town Board asked if they charge a fee to seniors who use them. Mrs. DeMarsh stated that she will check to see if they charge a fee and get back to the Town Board.

Mrs. DeMarsh asked the Town Board if they were aware that the YCCC is an evacuation site for BOCES. The Town Board was not aware of this and Supervisor Grace will find out more on the issue.

ATHLETIC CLUB USER FEES FOR YORKTOWN CENTRAL SCHOOL DISTRICT

Mr. Al French spoke about the Yorktown Central School District imposing facility user fees on the Athletic Clubs.

Mr. Richard Campanaro stated that the Athletic Clubs currently pay for custodial overtime fees to use the facilities at the Yorktown Central School District and feels charging hourly rates for use of all the facilities and fields will be a burden to their members.

Mr. Richard Romanski stated that he feels that the Town made a deal with the school district in a meeting with them that cut out the fees for the Town to use school facilities.

Supervisor Grace stated that there were no meetings or deals cut with the school district. The Town provides services to the school district and the school district provides services to the Town.

Councilman Paganelli stated that there were no preconceived deals made with the school district. He attended the same meeting along with representatives of the Athletic Clubs. Many suggestions were made at that meeting and the Town Board just received late today a response from the school district regarding this issue which reduced the rates by half. Councilman Paganelli stated that it would be considered a gift of public funds if the Town paid the fees for the clubs.

Supervisor Grace stated that the school district has a legal right to charge fees for the use of their facilities.

Councilman Murphy suggested that the athletic clubs go to a School Board meeting.

Councilman Bianco stated that the Lakeland School District is not charging these types of fees.

Mr. Romanski stated that the clubs could attend a school board meeting but the athletic clubs would prefer the Town speak to the school district regarding this issue.

Councilman Paganelli suggested compiling a list of what the Town does and what the school district does to see what the differences are.

PARKS AND RECREATION DEPARTMENT
REQUEST TO PREPARE DOCUMENTS TO GO OUT TO BID ON TWO MOWERS

Parks & Recreation Superintendent Brian Gray was present to discuss with the Town Board the need to go out to bid for two new mowers. The Town Board agreed to move forward with this and authorized Mr. Gray to prepare the bid documents.

NOR-WEST AGREEMENT

Parks & Recreation Superintendent Brian Gray and Town Attorney Jeannette Koster discussed the Nor-West Agreement with the Town Board. Mrs. Koster explained that the Town has not paid the 2012 fee because she had requested more information and has not yet received it.

Parks & Recreation Superintendent Brain Gray stated that Nor-West provides recreation services that the Town cannot. The number of residents participating fluctuates.

Councilman Paganelli stated that he will attend the next Nor-West meeting with Superintendent Gray and get more information.

TEATOWN LAKE RESERVATION
REQUEST FOR A WETLANDS PERMIT
RESOLUTION #35

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, on the 5th day of February, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application for a Wetlands Permit made by the Teatown Lake Reservation. The scope of this project includes structural repairs to the existing Vernay Lake Dam and associated concrete flume. Specific repairs consist of installation of a rip rap pad at the end of the concrete flume, tree removal on the earthen embankment on the dam where there are seepage areas along the dam. Selective clearing and minor regarding of an existing access trail is necessary to access the dam.

A copy of said application 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. It may also be seen on the Town of Yorktown's website www.yorktownny.org

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

PEDESTRIAN AMENITIES
PROPOSED LEGISLATION

Planning Director John Tegeder and Mrs. Ann Kutter were present to discuss with the Town Board proposed legislation regarding pedestrian amenities.

Town Attorney Jeannette Koster stated that she would like to review the proposed legislation with Planning Director John Tegeder. The Town Board agreed to refer the proposed legislation out at the next Town Board meeting.

2008 FORECLOSURE PARCELS – WITHDRAWN PARCEL FROM IN REM PROCEEDINGS - SECTION/BLOCK/SUBLOT NO. 25.16-1-11
RESOLUTION #36

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

WHEREAS, a parcel of real property, identified on the Town tax map as Section/Block/Lot No. 25.16-1-11, is subject to liens for unpaid town, county and school district taxes in the amount of \$74,904.86 as of January 31, 2013; and

WHEREAS, said parcel consists of and contains a pond that was not indicated for dedication to the Town on any filed map approved by the Planning Board; and

WHEREAS, the Town commenced foreclosure proceedings against said parcel, and

WHEREAS the Town Board has determined that the liability the Town would be exposed to if the Town were to take title to said parcel substantially exceed the amount of taxes the Town would recoup from an in rem foreclosure and sale;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby withdraws said parcel from the pending foreclosure proceedings, Westchester County Supreme Court Index No. 2480/11 for the 2008 in rem proceedings and 2481/11 for the 2009 in rem proceedings, pursuant to the authority granted the Town under New York Real Property Tax Proceedings Law § 1138(1)(d).

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

2008 FORECLOSURE PARCELS - WITHDRAW PARCEL FROM IN REM PROCEEDINGS
SECTION/BLOCK/SUBLOT NO. 700-1-1/0012, 700-1-1/0013
RESOLUTION #37

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

WHEREAS, the following two parcels of real property, identified on the Town tax map as Section/Block/Lot/Sublot No. 700-1-1/0013, and Section/Block/Lot/Sublot No. 700-1-1/0012, are subject to liens for unpaid town, county and school district taxes, in the amount of \$12,699.22 and \$21,780.05, respectively, as of January 31, 2013, and

WHEREAS, said parcels are internal private roads within the condominium community of Jefferson Village that were not indicated for dedication to the Town on any filed map approved by the Planning Board and the Town does not wish to acquire said roads; and

WHEREAS, the Town commenced foreclosure proceedings against said parcel, and

WHEREAS the Town Board has determined that the liability the Town would be exposed to if the Town were to take title to said parcels substantially exceed the amount of taxes the Town would recoup from an in rem foreclosure and sale;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby withdraws said parcels from the pending foreclosure proceedings, Westchester County Supreme Court Index No. 2480/11 for the 2008 in rem proceedings and 2481/11 for the 2009 in rem proceedings, pursuant to the authority granted the Town under New York Real Property Tax Proceedings Law § 1138(1)(d).

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

SUSTAINABLE ENERGY LOAN PROGRAM
PROPOSED LEGISLATION

Supervisor Grace discussed with the Town Board creating a Sustainable Energy Loan Program. This program would provide loans to commercial properties and multi-family housing units that do energy improvements. The loan payments would be made through the applicants town taxes and there would be no expense to the Town.

Town Attorney Jeannette Koster would like to review the program and will draft proposed legislation to be referred out for comment at the next Town Board meeting.

TOWN BOARD AGENDA
JANUARY 22, 2013

The Town Board discussed the January 22, 2013 Town Board meeting agenda which will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 7:30 P.M.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, to move into Executive Session to discuss litigation.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown