

Town Board Meeting held by the Town Board, Town of Yorktown on January 22, 2013 held at 363 Underhill Avenue, Yorktown Heights, NY.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
Eric DiBartolo, Highway Superintendent
David Rambo, Water Distribution Superintendent

Absent: Nicholas J. Bianco, Councilman

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

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.

Supervisor Grace introduced Westchester County Legislator John Testa.

DURING THE LEGISLATOR'S REPORT TO THE TOWN, Mr. Testa spoke about the operation of Yorktown's Emergency Operations Center during Hurricane Sandy. He called it the best run Emergency Operations Center that he has ever seen. The Legislator also spoke about Westchester County's 2013 Budget. Residents in the Town of Yorktown will see a 2.17% reduction in their County taxes. Legislator Testa also spoke an initiative that he has been working on; residents of northern Westchester who are looking for services such as help for battered women and free legal services have to travel to lower Westchester. The County will soon be opening an office in Northern Westchester that will provide those services.

DURING REPORTS FROM TOWN COUNCIL

Councilman Patel spoke about the public hearing that he attended today concerning new flood maps. He spoke about the LEO's volunteer work at Guiding Eyes for the Blind. Councilman Patel also spoke about his attendance at DARE Graduations at Thomas Jefferson Elementary School and George Washington Elementary School. Councilman Patel along with Councilman Bianco and Supervisor Grace attended a dinner sponsored by the Westchester Municipal Association where energy efficiency was the topic of discussion. He attended the celebration for a woman at the Field Home who recently celebrated her 102nd Birthday. Councilman Patel concluded his remarks by congratulating former colleagues at IBM's Thomas Watson Center who have already received national honors for their invention of LASIK surgery which have already changed the lives of millions of people who have had this surgery.

Councilman Paganelli thanked the public for their response to the Town Board's request for information on fluoridation. He also spoke about a letter he received from the owners of Crompond Corners which spoke to the professionalism and courtesy shown to them by a member of the Building Department.

PRESENTATION – RETIREMENT OF FRAN PERITO

Police Chief Dan McMahon said Ms. Perito joined the work ranks of the Town of Yorktown in 1987 where she worked part-time in the Town Clerk's Office. She later moved to the Building Department where she worked administering the Alarm Law. After passing the civil servants exam for Office Assistant, she was promoted to work in the Police Department where she has spent the last fifteen years.

Supervisor Grace who has known Ms. Perito since his days as Town Attorney said she will be missed by her Yorktown family. She was given a Certificate of Appreciation.

PRESENTATION – RETIREMENT OF LEOLA SPRECHT

Supervisor Grace spoke about Ms. Sprecht’s 21 years of service with the Town. She began her career working as a part-time chauffeur in the Nutrition Center. Ms. Sprecht now works full time; working in the office, the kitchen and while continuing to be a chauffeur.

Supervisor Grace handed her a Certificate of Appreciation; also told her that she will be missed by her colleagues in the Town of Yorktown

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board.

Mr. Gil Kaufman asked when the senior clubs would receive their money from the Town. The clubs would like to start planning their events for the year.

Supervisor Grace responded that the Town Board will discuss this issue at its next work session.

Mr. Walter Daniels, Co-Chair of the Open Space Committee spoke about last year’s celebration of “It’s My Park Day.” They hope to replicate their success with an event sponsored by the Open Space Committee and the Conservation Board during the month of May. They would like to hold a major cleanup in the area of the barn on the Granite Knolls property. Mr. Daniels asked when the structure would be taken down.

Supervisor Grace explained that a large portion of the structure was already taken down during Hurricane Sandy.

Mrs. Susan Siegel asked the Town Board why the phrases, “she serves at the pleasure of the Town Board and until the first day of January next succeeding the first biennial Town Election held after the time of her appointment” are not included in the resolution appointing the Town Attorney.

Supervisor Grace explained that during an earlier discussion tonight, the Board agreed to add those phrases into the resolution that we just adopted.

RESOLUTIONS FROM THE MEETING OF 1/08/2013

RESOLUTION #38

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

Resolved, that the Town Board Meeting Resolutions for January 8, 2013 are approved by the Town Board.

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

PERSONNEL - APPOINTMENT

JEANNETTE KOSTER – TOWN ATTORNEY

RESOLUTION #39

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

RESOLVED, that Jeannette Koster is hereby appointed to the office of Town Attorney at an annual salary of \$110,000, shall serve in this position as a full-time department head for the term expiring on December 31, 2013, and shall hold the position of Town Attorney at the pleasure of the Town Board. Ms. Koster shall be credited twenty days of vacation leave per calendar year; to be credited in 2013 on the date of this resolution and on the first day of each subsequent calendar year. Retroactive to January 1, 2013, Ms. Koster shall be entitled to employee benefits in accordance with the terms of the resolution pertaining to department heads’ employee benefits passed on December 18,

2012, as it may be amended from time to time. In addition Ms. Koster shall be entitled to such department head employee benefits in the event she serves the Town as a holdover appointment in any future period.

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

ALGONQUIN GAS/SPECTRA ENERGY
EROSION CONTROL BOND AND ESCROW RELEASE
RESOLUTION #40

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

WHEREAS, Spectra Energy/Algonquin Gas, as applicant, provided the Town with Check No.0142563 in the amount of \$2,500.00, which was deposited into the T33 account October 22, 2010, to serve as the Erosion Control Bond for Town Board approving permit #WP-E-030-10, for gas pipeline work throughout the Town of Yorktown, and

WHEREAS, Spectra Energy/Algonquin Gas, as applicant, provided the Town with Check No.10142562 in the amount of \$1,500.00, which was deposited into the T76 account on July 16, 2010 and again on October 22, 2010 for a total of \$3,000.00, to serve as the construction monitoring escrow fee for the above referenced project, and

WHEREAS, \$2,125.00 of the escrow was used by the environmental consultant to verify wetlands and it was determined by the environmental consultant that the unused escrow can be released to the applicant (\$875.00), 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 above referenced monies totaling \$3,375.00 may be released, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and are hereby released to Spectra Energy 252 Shunpike Road, Cromwell, CT 06416, Attn: Mr. Kyle Neilson.

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

AUTHORIZE A BUDGET TRANSFER FOR
THE HIGHWAY DEPARTMENT
RESOLUTION #41

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

RESOLVED, the Town Board authorizes a Budget Transfer of \$1,349.64 from D.5130.423 to A5010.201.

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

AUTHORIZE THE SUPERVISOR TO SIGN A
LEASE WITH SBA MONARCH TOWER II, LLC
RESOLUTION #42

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

WHEREAS, the Town entered into a five-year lease that permits four five-year renewals for a total lease term of 25 years (the "Lease") in 2006 with Sprint Spectrum, L.P. ("Sprint") pursuant to which Sprint installed a cell phone tower on Town-owned property at 2200 Greenwood Street (Yorktown Waste Facility); and

WHEREAS, Sprint assigned the lease with the consent of the Town in 2008 to Mobilitie Investments II, LLC; and

WHEREAS, SBA Communications Corporation (“SBA”) recently acquired ownership of Mobilitie Investments II, LLC and changed its name to SBA Monarch Towers II, LLC, be it

RESOLVED, that the Town Supervisor is authorized to sign a memorandum of lease with SBA Monarch Towers II, LLC, that, among other things, acknowledges that the Lease is in full force and effect and changes the Tenant’s address for notices.

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

AUTHORIZE THE SUPERVISOR TO SIGN AN
AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC.
RESOLUTION #43

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with SunGard Public Sector, Inc. for a renewal maintenance contract and support services for the Yorktown Police Department’s productivity software from February 1, 2013 through January 31, 2014. The annual renewal fee is \$50,592.50.

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

AUTHORIZE THE SUPERVISOR TO SIGN AN
AGREEMENT WITH METROCOM WIRELESS
RESOLUTION #44

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Metrocom Wireless Inc. for a maintenance agreement covering Yorktown Police Department’s Motorola mobile data devices for the period February 1, 2013 through January 31, 2014. The contract amount is \$4,200 per year.

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

APPROVE A COMMERCIAL GARBAGE LICENSE FOR
SANI-PRO DISPOSAL SERVICES CORP.
RESOLUTION #45

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

RESOLVED, that Sani-Pro Disposal Services be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2013.

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

APPROVE A COMMERCIAL GARBAGE LICENSE FOR
CRP SANITATION.
RESOLUTION #46

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

RESOLVED, that CRP Sanitation be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2013.

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

ADVERTISEMENT FOR BID
CALIBERM2000 W/BLUE CORROSION INHIBITED HIGHWAY DEPARTMENT
RESOLUTION #47

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on February 5th, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Caliber M2000 w/ Blue/corrosion inhibited-Highway Dept. Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Caliber M2000 w/ Blue/corrosion inhibited-Highway Dept. Bid.”** The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

INFORMATIONAL HEARING
FLOURIDATION

Supervisor Grace explained that this is an Informational Hearing on whether the Town’s practice of adding fluoride to the water should continue. This issue has come up because the need for a new fluoridation system at the Catskill facility.

Dr. Sherlita Amler, Westchester County Health Commissioner spoke in favor continuing the Town’s practice of adding fluoride to water. She also spoke about her experience as a pediatrician; saying tooth decay can be a major problem in childhood. The Centers for Disease Control have declared the fluoridation of community water one of the 10 most important achievements in the 20th century. Fluoride has been used in this country successfully for the past 65 years. Scientific studies show that fluoridation benefits both children and adults.

Dr. Benjamin Danziger, dentist working in Yorktown and a colleague also spoke in favor of continuing the current practice of adding fluoride to the Town’s water supply.

Mrs. Jane Daniels spoke in favor of continuing the practice.

Mr. Mike Mamoni, a resident of Croton on Hudson stated that his community does not add fluoride to water. They get their water from Artesian wells that are under the Croton Reservoir. Due to regulations, a small amount of chlorine is added to the water. Mr. Mamoni doesn’t feel that anything should be added to the water supply. Several years ago after purchasing property in the Town of Ossining, he appeared at a public hearing where the question of fluoridation came up. Even though he spoke in opposition to the mater, The Town of Ossining decided to add fluoride to its water.

Dr. Carl Tegmire, representing the 9th District Dental Association referred to his letter of November 29, 2012 which was sent to the Supervisor and Mr. David Rambo, the Water Distribution Superintendent. The letter voiced the Association’s opposition to the Town’s proposal which would cease the fluoridation of our public water system. Dr. Tegmire reiterated many of the points made by Dr. Amler.

Mr. Gene Ehrens, a resident of Yorktown and former school teacher spoke in favor of continuing the practice of adding fluoride to the water. He told the Board that he was astounded that this issue is being brought up today.

Dr. Richard Gallo, a resident and dentist in Yorktown. He is the father of two children who grew up having fluoride in the water and wants the practice continued.

Dr. Patricia Podolak, a resident of the Town of Yorktown and a dentist read portions of an 8 page written report which she handed to the Town Board and Town Clerk. A copy of the report is one file in the Town Clerk’s Office. In part, she says

failure to continue fluoridation will, over the long term lead to a lower quality of life for affected Yorktown residents.

The Director of the Peekskill Dental Health Office, who is also a resident of Yorktown called himself a strong advocate for continuing the practice of adding fluoride to water.

Dr. Michael Shinberg, a resident of Yorktown and a dentist also spoke in favor of continuing the current practice.

Mr. Matthew Geho, Director of Operations at the Northern Westchester Joint Water Works spoke of additional issues that have to also be considered. He questioned what would be done if the Catskills Plant were to go off- line; and residents of the Town of Cortlandt and the Village of Montrose had to receive water from the Amawalk Plant. These communities do not receive fluoridated water, but the Amawalk Plant only supplies fluoridated water.

Councilman Murphy read emails from Nick, Shirleen and Kimberly Witkowitz who want the practice of adding fluoride to continue as does Robert Fischer, Dr. Francisco Montano and Thomas Tilston. He also stated that letters from James & Virginia Vinci and Thomas Petrie oppose the use of fluoride in water.

Town Clerk Alice Roker read a communication from Dr. Jayanth Kumar, DDS, MPH, Director of the Bureau of Dental Health for the New York State Health Department to Councilman Bianco. The letter is on file in the Town Clerk's Office and reads in part "I am writing to express the New York State Department of Health's support for the continued practice of water fluoridation in Yorktown."

Dr. Miriam Messing read then handed the Town Board research information on all of the scientific studies which have been produced and then replicated over the past sixty five years.

NEXT STEP
FLOURIDATION
RESOLUTION #48

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

RESOLVED, the Town Board will move forward, with repairing or replacing the fluoridation equipment.

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

ADJOURN

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

Alice E. Roker, Town Clerk
Town of Yorktown