

Town Board Meeting of the Town Board, Town of Yorktown on May 21, 2013 held at the Town Hall, 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

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, to move into an Executive Session to discuss litigation and advice of counsel.

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board came out of Executive Session and resumed 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 REPORT FROM SUPERVISOR MICHAEL GRACE.

Supervisor Grace stated that since every member of the Town Board is running for an elected position this year, the Town Board as a whole has pledged to work with each other and continue with the people's business. He asked that during Courtesy of the Floor people leave the politics at the door. He hopes everyone will be respectful and professional.

Supervisor Grace spoke about the e-waste recycling days on May 28 and May 31, 2013. He advised residents to take old computers and televisions to the Refuse and Recycling Center on those days.

Supervisor Grace stated that the town is continuing with its plans to create an Emergency Operation Center (EOC) with the Police Department.

Supervisor Grace stated that the generator pads for the Town Hall and Yorktown Community and Cultural Center are being prepared and a bid for the generators will be done soon.

DURING REPORTS FROM THE TOWN BOARD.

Councilman Bianco stated that he hopes everyone will be courteous and professional during the political season. He also stated that he has gotten a lot of calls from residents concerned about coyotes, there is information on the Town's website as well as the NYS DEC website and he encouraged residents to read the information and to avoid conflicts with coyotes.

Councilman Murphy stated that there was a black bear sighting on Evergreen Street and encouraged residents to visit the Town's web site and read the information provided by the New York State Department of Environmental Conservation regarding black bears. Councilman Murphy noted that there will be a Memorial Day Ceremony at 10:30 AM on Monday, May 27, 2013 at the John C. Hart Memorial Library in Shrub

Oak. Beginning at 11:00 AM on Monday, May 27, 2013 at the Yorktown Town Hall there will also be a Memorial Day Parade and Ceremony.

Councilman Patel spoke about several events he went to over the last week.

Councilman Paganelli extended thanks to the Ciculo da Vinci Italian American Society for their scholarship program. Councilman Paganelli announced that the Junior Lake Pool will not be open this weekend due to an issue with pool tile but the Brian J. Slavin Aquatic Facility in Shrub Oak will be open instead.

RESOLUTIONS FROM THE MEETING OF 5/7/2013

RESOLUTION #211

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

Resolved, that the Town Board Meeting Resolutions for May 7, 2013 are approved by the Town Board.

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

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mrs. Ann Kutter talked about Arbor Day and all the wonderful posters that were received by the children of our community. She spoke about the May 7, 2013 Town Board meeting where the Town Board voted against advertising for a public hearing for St. George's Winery requesting a Wetland Permit. She stated that many volunteer boards, committees and commissions reviewed the site plan, suggested revisions and came up with a safe and environmentally friendly site plan which had stormwater prevention measures in place in an area where none currently exist. She stated that the site plan that was approved by the Town Board last year was good for the town and the winery.

Mrs. Susan Siegel asked for an update on the fluoridation upgrade, if an engineer for the project had been picked yet and if the agreement will be with the Town of Yorktown or the Northern Westchester Joint Waterworks.

Councilman Paganelli stated that only one engineer had responded and there is some concern because many years ago important details were overlooked with regards to the initial fluoridation system. There are OSHA requirements that also have to be met as well. Councilman Paganelli stated that the Town of Cortlandt will have its attorney draft an agreement and then the Town of Yorktown will review it. Yorktown would cover the cost of the design work at a cost of \$51,000. He noted that it would take 3 to 6 months to draft the design plans.

Mr. Chris Sciarra spoke about St. George's Winery and felt that it was appalling for three Councilmen to vote against advertising for a public hearing. He stated that the wetlands is a dumping area and has been for years. He stated that \$2,000 was spent to clean up a portion of the wetlands and all he wanted to do was make the area look nice for people coming into that part of the town.

Ms. Franesca Samsel spoke about her house on Hunterbrook Road and asked the Town Board to do something with the house that burned down last year. It is right next to hers and has decreased the value of her home. Children are playing in the debris and it is a liability. She would like a break on her taxes because she can't sell her house or continue renting it based on this issue.

Mr. Paul Moskowitz spoke about a concert and dinner that is done annually and urged anyone interested to contact him. Tickets are \$40.

PUBLIC HEARING

AMENDING CHAPTER 15 ENTITLED BUILDING CONSTRUCTION

ADMINISTRATION AND CHAPTER 195 ENTITLED LAND DEVELOPMENT

Supervisor Grace called to order a public hearing to consider amending Chapter 15 entitled “BUILDING CONSTRUCTION ADMINISTRATION” and Chapter 195, entitled “LAND DEVELOPMENT.” of the Code of the Town of Yorktown, to require electronic submission of documents required for building permit, subdivision and site plan/parking plan applications. The Deputy Town Clerk presented affidavits of posting and publication.

Supervisor Grace read a letter from Mr. Jack Goldstein with regards to this proposed local law and feels the Town can address some of Mr. Goldstein’s concerns.

Mr. Howard Frank spoke about the proposed local law and suggested a scanner be purchased so that plans can be scanned in upon receipt of an application.

Supervisor Grace stated that there will be a scanner and spoke about the Town moving forward with digitally filing its records.

Mr. Paul Moskowitz stated that the Conservation Board and Advisory Committee on Open Space would like more information scanned in at the time of submission so that they can review the information online, he stated that the Conservation Board and ACOS would like additional information to be required when an applicant submits their plans.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Murphy motioned, seconded by Councilman Bianco.

LOCAL LAW #7 OF 2013
AMENDING CHAPTER 15 ENTITLED BUILDING CONSTRUCTION
ADMINISTRATION AND CHAPTER 195 ENTITLED LAND DEVELOPMENT
RESOLUTION #212

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

WHEREAS, a public hearing was held on the 21st day of May, 2013 pursuant to notice duly published as required by law to consider a proposed local law amending Chapter 15 entitled “BUILDING CONSTRUCTION ADMINISTRATION” and Chapter 195, entitled “LAND DEVELOPMENT.” of the Code of the Town of Yorktown, to require electronic submission of documents required for building permit, subdivision and site plan/parking plan applications.

RESOLVED, that Local Law #7 of the year 2013, 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 Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #7 of 2013 was thereupon declared duly adopted.

PUBLIC HEARING AMENDING CHAPTER 250 ENTITLED “STREETS AND
SIDEWALKS” CONCERNING STREET OPENING PERMITS

Supervisor Grace called to order a public hearing to consider a proposed local law amending Chapter 250 of the Code of the Town of Yorktown entitled “STREETS AND SIDEWALKS” concerning street opening permit fees. The Deputy Town Clerk presented affidavits of posting and publication.

No Public Comment was received.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Bianco motioned, seconded by Councilman Murphy.

LOCAL LAW #8 OF 2013
AMENDING CHAPTER 250 ENTITLED "STREETS AND
SIDEWALKS" CONCERNING STREET OPENING PERMITS
RESOLUTION #213

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

WHEREAS, a public hearing was held on the 21st day of May, 2013 pursuant to notice duly published as required by law to consider to a proposed local law amending Chapter 250 of the Code of the Town of Yorktown entitled "STREETS AND SIDEWALKS" concerning street opening permit fees.

RESOLVED, that Local Law #8 of the year 2013, 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 Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #8 of 2013 was thereupon declared duly adopted.

AUTHORIZE SUPERVISOR TO SIGN A SECOND AGREEMENT WITH FIELD
HOME – HOLY COMFORTER AND CATHERINE STREET FIELD HOME
AMENDING 2000 PILOT PROGRAM
RESOLUTION #214

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

RESOLVED, that the Supervisor is authorized to sign a Second Amendment to Agreement between the Town and Field Home – Holy Comforter and Catherine Field Home, amending the 2000 PILOT agreement, to provide for additional payments in lieu of taxes by the property owners for proposed new **senior** independent living units and a common areas building.

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

AUTHORIZE BUILDING INSPECTOR TO ISSUE TEMPORARY CERTIFICATE OF
OCCUPANCY FOR BEST PLUMBING
RESOLUTION #215

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

Whereas, Old Crompnd LLC has requested a Temporary Certificate of Occupancy from the Building Inspector for permit #20120323 (Best Plumbing), and

Whereas, pursuant to Section 300-196B, the Building Inspector may be authorized to issue a Temporary Certificate of Occupancy.

Resolved, the Town Clerk is hereby authorized to refer the request out for review and recommendation from the appropriate town agencies.

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

AUTHORIZE COMPTROLLER TO TRANSFER \$10,975.77 FROM SHRUB OAK
PARK DISTRICT FUND BALANCE TO THE PROFESSIONAL FEES LINE
RESOLUTION #216

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

BE IT RESOLVED, that the following 2013 budget transfer is approved:

Transfer \$10,975.77 from the Shrub Oak Community Park Association Fund Balance to the Professional Fee Line (SC.7180.0441) to pay Kellard Sessions Consulting, P.C. for engineering services related to Shrub Oak Lake.

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

AUTHORIZE TOWN COMPTROLLER TO PAY FORMER EMPLOYEE ROBERT AGOSTINO THE CASH VALUE OF UNUSED VACATION, PERSONAL AND FLOATING HOLIDAY LEAVE ACCRUED AS OF MAY 9, 2013.
RESOLUTION #217

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

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay to former employee Robert Agostino the cash value of unused vacation, personal and floating holiday leave accrued as of 05/09/13 his date of resignation as follows:

Rate of Pay:	\$23.1571 hourly		
Unused Vacation Leave:	80.75 hours x \$23.1571	=	\$ 1,869.94
Unused Personal Leave:		=	\$
Unused Floating Holidays:	4 hours x \$23.15.71	=	\$ 92.63
	Total		\$ 1,962.57

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

RELEASE EROSION CONTROL BOND/WETLANDS PERMIT #090-12 IN THE AMOUNT OF \$300.00 – GRANITE SPRINGS ROAD
RESOLUTION #218

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

WHEREAS, Douglas & Karen Erickson, as applicants, heretofore filed an Erosion Control Bond in the amount of \$300.00, which was deposited into the T33 Account on November 26, 2012, covering Wetland Permit #090-12, for work performed at their Granite Springs Road residence, 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 control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00 be and is hereby released to Mr. & Mrs. Douglas Erickson, 54 Granite Springs Road, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND – STORMWATER PERMIT #030A-12 IN THE AMOUNT OF \$300.00 – CROTON LAKE ROAD
RESOLUTION #219

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

WHEREAS, Susan & Larry Bertuccelli, as applicants, heretofore posted Check No.175 in the amount of \$300.00, which was deposited into the T33 Account on May 21, 2012, covering Stormwater Permit #030A-12, for work performed at their Croton Lake Road residence, 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. & Mrs. Larry Bertuccelli, 1355 Croton Lake Road, Yorktown Heights, NY 10598.

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

EXTEND WETLAND, TREE AND STORMWATER PERMIT FOR LYHUS
CASWELL – HANOVER STREET
RESOLUTION #220

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

WHEREAS, the Town Board at their meeting of September 18, 2012 approved a conditional Wetland, Tree and Stormwater permit for applicants Lyhus and Caswell for a project on Hanover Street, and

WHEREAS, an additional sixty days is being requested to complete the conditions contained in the permit, which is the applicants second extension request, and

WHEREAS, monies have not yet been posted for the permit, and

WHEREAS, work has not yet commenced on the site, and

WHEREAS, the applicant is aware that if work does not commence after the 60-day period is over, they will have to seek reapproval from the Town Board, NOW, THEREFORE BE IT

RESOLVED, that permit #WP-T-BSWPPP-026-11 is hereby extended from 5/17/13 to 7/16/13.

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

AWARD BID FOR PORTABLE GENERATOR – ENGINEERING DEPARTMENT
RESOLUTION #221

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

Bids were received for the Purchase of a Portable Generator with Trailer for the Water Pollution Control Plant, Bid #13-2, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
FM Generator	\$51,148.00
Penn Jersey Machinery	\$55,550.00
Alpine Power Systems	\$59,537.00
H.O. Penn	\$69,228.00

WHEREAS, the apparent low bidder will not provide an engine with emissions that comply with current regulations, they have been deemed non-responsive, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Purchase of a Portable Generator with Trailer for the Water Pollution Control Plant, Bid #13-2, be awarded to the lowest responsive bidder, Penn Jersey Machinery, at a cost of \$55,550.00.

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

REFUND WATER ACCOUNT #4403473378 IN THE AMOUNT OF \$427.25
RESOLUTION #222

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

RESOLVED, that upon recommendation of the Northern Westchester Joint Water Works, a refund in the amount of \$427.25 be and is hereby refunded to Account # 4403473378.

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

REFUND WATER ACCOUNT #4314500038 IN THE AMOUNT OF \$235.20
RESOLUTION #223

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

RESOLVED, that upon recommendation of the Northern Westchester Joint Water Works, a refund in the amount of \$235.20 be and is hereby refunded to Account # 4314500038.

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

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board: No Public Comment was received during the second Courtesy of the Floor.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to adjourn the Town Board meeting.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown