

Meeting of the Town Board, Town of Yorktown held on July 02, 2013 at the Yorktown Community Cultural Center, 1974 Commerce Street, 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

Absent:

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to move into Executive Session to discuss Litigation and Advice of Counsel.

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

WELCOME – PARKS & RECREATION SUPERINTEDENT BRIAN GRAY

Parks & Recreation Superintendent Brian Gray thanked the Town Board for the opportunity to welcome everyone to the site of the Award Winning 2012 Holiday Lights Parade Spectacular. He explained that a few weeks ago, the Town of Yorktown was presented the Matt Dolan Innovative Program Award and Grant from the Westchester Recreation and Park Society for our inaugural Holiday Parade and Tree Lighting. In the weeks leading up to the event, Town Departments, local businesses and the BOCES Urban Forestry Program joined forces to purchase, relocate and plant this beautiful 25' Blue Spruce as well as two new evergreens. A total of seven trees were decorated with over 3,000 new LED lights purchased from an energy grant. On Saturday, December 1, 2012 the Yorktown Parks & Recreation Department held their inaugural "Celebrate the Season" Holiday Lights Parade Spectacular and the Town's annual tree lighting ceremony has been forever changed. A total of 25 parade entries were received which, to name a few, ranged from the Local fire and ambulance corps, the Leo's Club, Yorktown Pipes and Drums, and Town Departments. Approximately 2,000 spectators braved the cold as they lined the streets to view the parade and were amazed by the brightly decorated floats and vehicles who threw candy to the crowds and danced to holiday music. Please mark you calendars now for Saturday, December 7th for our 2nd annual Holiday Lights Parade Spectacular which is sure to be bigger and brighter than last year.

Superintendent Brian Gray stated that there are a few special events that are scheduled over the summer at DeVito Field which he hopes our residents will take advantage of. First is the Summer Concert Series sponsored by the Yorktown Lions Club and the Yorktown Recreation and Parks Department. We have five concerts remaining which will be held on Sundays starting at 6 P.M. at the Jack DeVito Gazebo.

July 7th – Java Jive – Classics to Current Hits
July 21st – Chain of Fools Band – Motown and R&B
August 4th – The Fabulous Sixties

August 18th – The Capris
September 1st - 45 RPM – 70's Pop Hits

He encouraged residents of all ages to come down and enjoy an evening of music.

Second is our Movie in the Park co-sponsored by the Yorktown Chamber of Commerce, The Alliance For Safe Kids, Mohegan Lake Audi, the Yorktown PBA and DARE, Club Fit, and the Law offices of Mike Resco. This event is scheduled for next Thursday, July 11th. Starting at 7:15 P.M. There will be a children's concert performed by Beth & Scott and Friends followed by our feature presentation of "Despicable Me". This event is fun for the whole family so be sure to come early for a good viewing location.

He stated that there are a variety of new week long Camps and Clinics for children during the month of August which still have openings. Soccer camp, multi sport camp, skateboarding camp, Lego and engineering camp, aviator camp, fashionably chic camp, superhero camp and mad science camp. Information regarding these program offerings are available on the Parks & Recreation page of the Town Website in the downloadable version of our Spring/Summer Brochure.

Superintendent Brian Gray mentioned that the Parks & Recreation team is currently in the process of creating the Fall and Winter Brochure which will be made available to residents around September 1st. They are striving to offer a wide variety of activities, events and programs that stimulate the spirit, mind, and body for residents of all ages. Be sure to look through the brochure and take advantage of the numerous programs that are being offered.

Superintendent Brain Gray stated that he hopes everyone enjoys the remainder of their summer and takes full advantage of the offerings made available by the Yorktown Parks & Recreation Department in the near future.

DURING REPORT FROM SUPERVISOR MICHAEL GRACE.

Supervisor Grace spoke about the Yorktown Volunteer Fire Department Parade. He stated that the Annual Holiday Light's Parade will be held on December 7, 2013 and that the Randy Zapakin Community Service Award will be presented at that event each year. Supervisor Grace stated that paving will be done on Route 118 and Route 35 over the next few weeks and people should look for alternative routes to take.

DURING REPORTS FROM THE TOWN BOARD.

Councilman Bianco stated that due to the holiday the trash pick up schedule changed and Thursday pick ups will be on Friday. He also noted that the Town Board meeting for July 16, 2013 will be held at Hilltop Hanover Farm and the August 6, 2013 Town Board meeting will be held at the Brian J. Slavin Aquatic Facility in Shrub Oak Park. Both meetings will begin at 6:30 P.M.

Councilman Murphy spoke about the Summer Concerts and the Chamber of Commerce Car Show. He noted that the Elk's held a Flag Day that was a wonderful ceremony. He congratulated the seniors graduating from Yorktown, Lakeland and Panas High Schools. He stated that the Yorktown Fire Department Parade and carnival was a great event and congratulated Maxwell Hernandez on achieving the rank of Eagle Scout..

Councilman Patel spoke about seniors, congratulated all of the High School seniors and wished them well on their future endeavors. He congratulated Eagle Scout Maxwell Hernandez, who made a kiosk at the Patriot Garden Park. He stated that the Yorktown Fire Department Parade was nice, thanked the Yorktown Lions for hosting the summer concerts and wished everyone a happy Fourth of July.

Councilman Paganelli thanked the co-sponsors of the Movie in the Park, the Yorktown Chamber of Commerce, The Alliance For Safe Kids, Mohegan Lake Audi, the Yorktown PBA and DARE, Club Fit, and the Law offices of Mike Resco. He also thanked the Parks & Recreation Department for all their work as well.

RESOLUTIONS FROM THE MEETING OF 6/18/2013

RESOLUTION #282

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

Resolved, that the Town Board Meeting Resolutions for June 18, 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:

Mr. and Mrs. Thomas & Tina Marie Delvino stated that they live on Hudsonview Street and the Highway Department recently did drainage work on her road. They feel that the catch basin that was installed is in the wrong location.

Highway Superintendent Eric DiBartolo stated that the Highway Department placed the catch basin at the lowest point of the cul-de-sac which is where it should be. The Town cannot do work on private property but if the owners would like to tie in to the catch basin to help elevate their water issue they can.

Mr. Ken Belfer spoke about Lake Day at Mohegan Lake on July 14, 2013.

Mr. Howard Frank spoke about the Annual Water Quality Report. He would like to know what the Town is doing to decrease the water loss rate.

Mrs. Susan Siegel stated that the Town recently took over several properties through in rem proceedings and she would like to know what the Town Board intends to do with these properties.

Mr. Ed Ciffone spoke about the Youth Sports agreement and questioned why the Town subsidizes these clubs if they have \$50,000 to donate back to the Town to re-crown the Jack DeVito field.

Mr. William Primavera spoke about the Citizens for a Progressive Yorktown, a local group that supports economic development, while preserving the character and natural resources of the Town.

PUBLIC HEARING

PROPOSED LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM

Supervisor Grace convened a public hearing to consider enacting a new Chapter of the Code of the Town of Yorktown entitled "ENERGY CONSERVATION" authorizing the establishment of a Sustainable Energy Loan Program. Affidavits of Publication and Posting were presented by the Deputy Town Clerk.

Mr. Howard Frank asked if this would exempt school taxes

Supervisor Grace explained that it would not exempt any taxes. A separate line would be placed on the tax bill and that is how the loan gets paid back to the third party lender.

Mr. Paul Moskowitz stated that he is in favor of this local law and feels it is a good opportunity for commercial properties to become more energy efficient and help reduce the Town's carbon footprint.

All those present having been 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 #9 OF 2013
ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM
RESOLUTION #283

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

WHEREAS, a public hearing was held on the 2nd day of July 2013 pursuant to notice duly published as required by law to enact Chapter 159 of the Code of the Town of Yorktown entitled “ENERGY CONSERVATION” authorizing the establishment of a Sustainable Energy Loan Program.

RESOLVED, that Local Law #9/2013 as annexed hereto, 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 Murphy	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #9/2013 was thereupon declared adopted.

APPROVE RESULTS FROM ONLINE AUCTION
HIGHWAY DEPARTMENT
RESOLUTION #284

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

WHEREAS, on June 15, 2011 the Town Board authorized the Supervisor to sign a contract with Auctions International, Inc., to sell surplus Town vehicles and equipment using an online auction, and

WHEREAS, on June 25, 2013 Auctions International closed the bidding process for the Highway Department’s surplus vehicles and equipment, and

WHEREAS, the Supt. of Highways Eric DiBartolo has confirmed the acceptance of the bid prices for the surplus vehicles and equipment in the auction, now

THEREFORE BE IT RESOLVED, that the Town Board accepts the following highest bids for the thirty-one (31) surplus vehicles and equipment as set forth below:

Item 1	EZ Dumper Dump Body	\$ 620.00
Item 2	Kanpheide 9’ Stake Rake Body	\$ 710.00
Item 3	1998 Champion Pro-Pav 1110W Paver	\$2,950.00
Item 4	1981 Eager Beaver Trailer	\$ 410.00
Item 5	Homemade Trailer	\$ 82.50
Item 6	1992 Mack RW613 Superliner Semi Trailer	\$8,100.00
Item 7	1981 Eager Beaver 125-T low boy trailer	\$3,400.00
Item 8	1990 GMC topkick stake rack truck	\$2,100.00
Item 9	1983 International 1754 stake rack truck	\$ 660.00
Item 10	1985 Mack rd686s tri-axle dump truck	\$7,900.00
Item 11	Homemade contractor site trailer	\$ 10.00
Item 12	1991 GMC jimmy	\$ 210.00
Item 13	1995 Chevrolet k2500 cab & chassis	\$ 240.00
Item 14	1990 International crew cab dump truck	\$ 810.00
Item 15	Harder stainless steel salter	\$ 590.00
Item 16	Tarco stainless steel salt/pepper spreader	\$ 650.00
Item 17	Tarco stainless steel salt/pepper spreader	\$ 880.00
Item 18	Tenco 10’ snowplow	\$ 470.00
Item 19	Champion 11’ snowplow	\$1,075.00
Item 20	Fisher 10’ snowplow	\$ 105.00

Item 21	Meyer 10' snowplow	\$ 12.00
Item 22	Frink 11' snowplow	\$ 990.00
Item 23	BWS 10' dump body only	\$ 550.00
Item 24	12' wing plow	\$ 60.00
Item 25	Meyer 10' snowplow	\$ 77.50
Item 26	12' wing plow	\$ 105.00
Item 27	1981 Galion s-5-8ad roller	\$ 710.00
Item 28	Diesel generator	\$1,025.00
Item 29	11' Viking wing plow	\$ 105.00
Item 30	1994 Ford e350 bus	\$ 280.00
Item 31	1989 Mack rd688sx 10 wheel dump truck	\$8,000.00

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

AWARD BID
POLICE VEHICLE EMERGENCY EQUIPMENT
RESOLUTION #285

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

WHEREAS, invitations to bid for Police Vehicle Emergency Equipment for use in police vehicles, was duly advertised, and

WHEREAS, said bids were received and opened at 11:00 A.M. on the 17th day of June 2013, now therefore be it,

RESOLVED, that upon the recommendation of the Chief of Police, the bid be and is hereby awarded to the lowest bidder of the total cumulative bid, Beyer Fleet, LLC, located at 31 Williams Parkway East Hanover, NJ 07936.

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

APPROVE CERTIORARI SETTLEMENT
ROC-SHRUB OAK ASSOCIATES, LLC
RESOLUTION #286

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

WHEREAS, tax certiorari proceedings were instituted by Roc-Shrub Oak Associates, LLC, account numbers 1830500 and 1831500, challenging the aggregate assessment for Section 16.07, Block 1, Lots 42 and 46 on the Tax Map of the Town of Yorktown, and

RESOLVED, that the tax certiorari proceedings affecting the assessment roll years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012, be settled as set forth in the proposed stipulation as follows:

Section 16.07 Block 1 Lot 42

Roll Years	AV From	AV To	AV Reduction
2004	40,200	19,820	20,380
2005	40,200	19,870	20,330
2006	40,200	19,700	20,500
2007	40,200	19,300	20,900
2008	40,200	20,600	19,600
2009	40,200	19,860	20,340
2010	40,200	18,820	20,380
2011	40,200	19,860	20,340
2012	21,000	20,410	590

Section 16.07 Block 1 Lot 46

Roll Years	AV From	AV To	AV Reduction
2004	600	600	-0-
2005	600	600	-0-
2006	600	600	-0-
2007	600	600	-0-
2008	600	600	-0-
2009	600	600	-0-
2010	600	600	-0-
2011	600	600	-0-
2012	600	600	-0-

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

AUTHORIZE BUILDING INSPECTOR TO ISSUE TEMPORARY CERTIFICATE OF
OCCUPANCY – OLD CROMPOND, LLC – BEST PLUMBING
RESOLUTION #287

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

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

WHEREAS, application has been referred out to the various agencies and no recommendations have been made against granting the Temporary Certificate of Occupancy, and

BE IT RESOLVED, that pursuant to Section 300-196B, the Building Inspector is authorized to issue a Temporary Certificate of Occupancy.

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

ACCEPT BONDS AND FEES FOR PERMIT #WP-BSWPPP-T-026-11
WETLAND, STORMWATER AND TREE PERMIT – HANOVER ROAD
RESOLUTION #288

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

WHEREAS, Nathan & Nancy Caswell, as applicants, provided the Town with Check No. 3044 in the amount of \$6,550 for work performed at the Hanover Road site,

WHEREAS, \$2,500 posted will serve as the Erosion Control Bond, and

WHEREAS, \$2,500 posted will serve as the Wetland Bond, and

WHEREAS, \$1,000 posted will serve as the Construction Monitoring Fee, and

WHEREAS, \$550 posted will serve as additional permit review money for the town's wetland consultant, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies totaling \$6,550 are hereby accepted to serve as the required bonds and fee for the above referenced Wetland, Stormwater and Tree permit.

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

RELEASE WETLAND BOND #WP-045-06
MICHAEL LINAHAN – HANOVER STREET
RESOLUTION #289

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

WHEREAS, Michael Linahan as applicant, posted Check No.1065 in the amount of \$5,000.00, which was deposited into the T33 Account on July 7, 2006, covering Wetland Permit #045-06, for work performed at his Hanover Street 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 \$5,000.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$5,000.00, be and is hereby released to Mr. Michael Linahan, 1085 Hanover Street, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND #WP-010-13
LAKE KATONAH ELECTRIC – FARMWALK ROAD
RESOLUTION #290

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

WHEREAS, Lake Katonah Electric as applicant for Schoenberg, posted Check No.1384 in the amount of \$300.00, which was deposited into the T33 Account on April 12, 2013, covering permit #010-13, for work performed at the Farmwalk 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 Lake Katonah Electric, 23 Sunnyside Road, Katonah, NY 10536, Attn: Mr. Christian Weigert.

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

REQUEST TO BE INCLUDED IN THE PEEKSKILL SANITARY SEWER DISTRICT
PARCEL #16.06-2-50 AND 16.06-2-51
RESOLUTION #291

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

WHEREAS, the Town of Yorktown Town Board is desirous of including 2 parcels of land into the existing Peekskill Sanitary Sewer District, Parcel #16.06-2-50 and 16.06-2-51, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate the above referenced parcels into the Peekskill Sanitary Sewer District.

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

RELEASE RETAINAGE
NATIONAL METERING SERVICES, INC., IN THE AMOUNT OF \$20,441.21
RESOLUTION #292

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

WHEREAS, on October 18, 2011, the Town Board passed a resolution to hire National Metering Services, Inc. for the installation of cold water meters with electronic encoder registers and rapid read system,

WHEREAS, Water Distribution Superintendent David Rambo confirms the completion in February 2013 of the installation of over 2,000 water meters and the functioning of these meters,

NOW THEREFORE BE IT RESOLVED, upon recommendation of the Water Distribution Superintendent David Rambo, the Town Board authorizes the release of \$20,444.21 from the Retainage Payable Fund SW.0000.0605 to pay National Metering Services, Inc. for final retainage invoice dated February 5, 2013.

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

REFUND DUPLICATE TAX PAYMENT
ACCOUNT # 0295060 - \$3,354.07
RESOLUTION #293

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made: Account #0295060

Tax & Year	Property	Amount	Refund to:
2013 Town/Cty	16.08-1-53	\$3,354.07	Wells Fargo R.E. Tax Service One Home Campus MACX 2502-011 Des Moines, IA 50328

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

ACCEPT MONTHLY REPORTS

Building Department – June 2013
Receiver of Taxes – June 2013

STANDARDIZATION TOWN COMPUTER AND NETWORKING EQUIPMENT
RESOLUTION #294

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

Be it resolved, for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of section 103 of the General Municipal Law, it is determined by the Town Board that there is a need for standardization in the purchase of computer and networking equipment for use by all Town Departments, and the Town's officials are authorized to seek competitive bids and to contract for the purchase of computer and networking equipment from the following manufacturers:

Server Equipment:
Hewlett Packard
Cables to Go
American Power Smart

Server Software:

Microsoft
Symantec

Desktop Software:

Microsoft
Adobe

Computer and Printer Hardware:

Hewlett Packard
Okidata
APC
Asus

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.

ADJOURN

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

Diana L. Quast, Deputy Town Clerk
Town of Yorktown