

Work Session held by the Town Board, Town of Yorktown on April 9, 2013, held at 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Diana L. Quast, Deputy Town Clerk  
Patricia Caporale, Town Comptroller  
Jeannette Koster, Town Attorney  
Brian Gray, Parks & Recreation Superintendent  
John Tegeder, Planning Director  
John Winter, Building Inspector  
Karren Perez, Section 8 Housing  
Sharon Robinson, Acting Town Engineer  
Bruce Barber, Environmental Consultant

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to move into Executive Session to discuss personnel 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 work Session

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

WORK SESSION

Supervisor Michael Grace called the meeting to order.

TAX CERTIORARI SETTLEMENT

SEARS

RESOLUTION #164

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

WHEREAS, tax certiorari proceedings were instituted by Sears, account number 1884100, challenging the aggregate assessment for Section 16.12, Block 1, Lot 25 on the Tax Map of the Town of Yorktown, and

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

Roll Year	AV From	AV To	AV Reduction
2006	300,000	221,100	78,900
2007	300,000	218,670	81,330
2008	300,000	233,100	66,900
2009	300,000	226,600	73,400
2010	300,000	246,510	53,490
2011	300,000	248,640	51,360
2012	300,000	255,360	44,640

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

TAX CERTIORARI SETTLEMENT  
NEW MOHEGAN REALTY, TREETOPS SKILLED NURSING FACILITY  
RESOLUTION #165

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

WHEREAS, tax certiorari proceedings were instituted by New Mohegan Realty, Treetops Skilled Nursing Facility, 3550 Lexington Avenue challenging the aggregate assessment for Section 15.15, Block 1, Lot 23 on the Tax Map of the Town of Yorktown, and

RESOLVED, that the tax certiorari proceedings affecting the assessment roll years 2006, 2007, 2008 and 2009, be settle as set forth in the proposed stipulation as follows:

Roll Year	AV From	AV To	AV Reduction
2006	138,400	106,530	31,870
2007	138,400	108,350	30,050
2008	138,400	120,750	17,650
2009	138,400	126,500	11,900

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

Supervisor Grace stated that he would like to negotiate with the Field Home regarding a settlement as well. The Town Board agreed.

SECTION 8 HOUSING

Section 8 Housing Director Karren Perez gave the Town Board an update on the impact of the Sequestration for Section 8 Housing. She stated that there have been cut backs and it is causing her to limit the amount of new people they can take into the program. She stated that they will have enough money to get through this year but she will be drawing down on the programs reserves. She also asked if the Town Board would consider waiving the YCCC rental fee and Town Attorney fees which have been waived by former administrations.

The Town Board asked Ms. Perez to keep them updated on the situation and thanked her for doing a good job.

CODE RED/DELTA ALERT – NIXEL

Planner Robyn Steinberg was present to discuss with the Town Board the use of different Emergency Notification Systems. The Town has been using Delta Alert which has now become Code Red, the Police Department uses Nixel. The Nixel is a free service and Code Red has a fee for its use. Nixel works strictly by people signing up for the service which would be posted on the Town's website. Code Red would charge the Town to purchase phone numbers and have them placed into the system. The Town Board agreed to discuss this issue further at a later date.

TAX CONSIDERATION FOR HISTORIC HOUSE OWNERS

Mr. William Primavera was present to discuss with the Town Board passing legislation which would give Tax Considerations to homeowners of Historic Houses. Supervisor Grace stated that would have to be legislation passed by New York State. Councilman Paganelli suggested contacting Senator Greg Ball and Assemblyman Steve Katz to propose legislation. The Town Board agreed to support this endeavor.

PARKS AND RECREATION PRESENTATION

Parks and Recreation Superintendent Brain Gray and Parks & Recreation Commissioners Diana Quast and Patricia Caporale provided the Town Board with a presentation of the projects that are being worked on by the Recreation Commission and the Parks & Recreation Department. They discussed current projects, projects that have funding and are waiting funding. They are working on a Master Plan Map of all Town owned Parkland and look forward to making a presentation on that in the near future.

Superintendent Brian Gray stated that the Granite Knolls Fields have been seeded and will be given two growing seasons before being used. Supervisor Grace stated that there will be some work in the area of Granite Knolls property done by Spectra to service the gas line area and there may be a chance to have them create a road for the Town that will go to the fields. There is also a possibility to add another field and create more parking.

Town resident Patrick Cumiskey described the overall plan for the Holland Sporting Club; he described the different types of activities that will be able to be enjoyed there, such as a children's playground, volleyball, basketball, tetherball, fishing, paddle boating, hiking and just relaxing.

Mr. John Madden, from the BOCES Forest Management Program gave a presentation on the Forest Management plan that will help Holland Sporting Club have healthier trees, habitat and environment.

WINERY AT ST. GEORGE'S, LLC – REQUEST FOR A WETLAND PERMIT  
RESOLUTION #166

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

RESOLVED, that the Town Clerk is hereby authorized to refer the Wetland Permit application and plans received from the Winery at St. George, LLC to the agencies listed below for their review and/or recommendation, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by May 2, 2013, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled to take place on Tuesday, May 7, 2013 at the John C. Hart Memorial Library located at 1130 East Main Street, Shrub Oak, NY 10588 at 7:30 pm o'clock or as soon thereafter can be heard.

TO: NYS DEC  
NYS DOT

WC Planning Department

Town of Cortlandt  
Town of Putnam Valley

Town of Yorktown Agencies:  
Environmental Consultant  
Planning Board  
Planning Department  
Wetlands Code Inspector  
Town Engineer  
Conservation Board  
Building Inspector  
ABACA  
Open Space

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

NAVAJO FIELDS – CREATIVE LIVING

Mr. Al Capellini, Esq, Mr. Joseph Riina, engineer and CJ Diven, applicant were present to discuss with the Town Board an overall plan for the Navajo Fields site located off Route 6.

Supervisor Grace stated that the Town Board asked the applicant to come up with a master plan for the property outlining all the changes that the applicant would like to do there.

The Town Board reviewed the plan and it was decided that the applicant should stay with the Planning Board for site plan approval.

Mr. CJ Diven asked if a sign could be placed on Town property to recognize his facility. The Town Board asked that Mr. Diven work with the Building Inspector on this issue.

CSERENYI – MODIFICATION OF CONSERVATION EASEMENT

Daniel Ciarcia, engineer was present to discuss with the Town Board a modification to a Conservation Easement with the Cserenyi. Planning Director John Tegeder stated that this was already done at the Planning Board meeting last night and it should stay with the Planning Board.

SPECIAL USE PERMIT IN R ZONES – FOWL IN RESIDENTIAL DISTRICTS

Councilman Bianco stated that allowing fowl on less than 1 acre lots may be disruptive to other neighbors. Councilman Murphy agreed.

Environmental Consultant Bruce Barber stated that he will work with the Town Attorney on this proposed local law and some of the verbiage will be amended. The Town Board agreed and will discuss this proposed local law further when the changes have been made.

PROPOSED LOCAL LAW – ELECTRONIC SUBMISSION OF LAND USE AND BUILDING PERMIT APPLICATIONS

This discussion was tabled until a later date.

PEG REALTY SUBDIVISION

Town Attorney Jeannette Koster asked that this issue be placed on the April 16, 2013 Town Board agenda for approval.

APPROVE WAIVING FEE – YORKTOWN COMMUNITY CULTURAL CENTER ALLIANCE FOR SAFE KIDS (ASK) RESOLUTION #167

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

Resolved, that the Town Board waives the rental fee for use of the Yorktown Cultural and Community Center by the Alliance for Safe Kids (ASK).

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

APPROVE WAIVING FEE – YORKTOWN COMMUNITY CULTURAL CENTER NEW YORK STATE DEPARTMENT OF TRANSPORTATION RESOLUTION #168

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

Resolved, that the Town Board waives the rental fee for use of the Yorktown Cultural and Community Center by the New York State Department of Transportation for an upcoming public informational meeting.

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

AT&T CELL TOWERS LEASES – PROPOSED CHANGE IN TERMS

Town Attorney Jeanette Koster stated that the lease agreement for the AT&T Cell Tower has requested changes to the terms.

Councilman Murphy suggested some changes to the lease agreement.

Supervisor Grace stated that this is a negotiation of a contract and should be done in Executive Session.

CONDEMNATION – BAPTIST CHURCH ROAD EASEMENTS

Town Attorney Jeannette Koster asked that this issue be placed on the April 16, 2013 Town Board agenda for approval.

AWARD BID ASPHALT CONCRETE AND BITUMINOUS MATERIALS  
HIGHWAY DEPARTMENT  
RESOLUTION #169

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

WHEREAS, invitation to bid for the Asphalt Concrete & Liquid Bituminous Materials Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on April 5, 2013, with the bid amounts for the above-referenced project summarized are attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Asphalt Concrete & Liquid Bituminous Materials Bid be and is hereby awarded to Peckham Materials, 20 Haarlem Avenue, White Plains, NY 10603, the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on April 10, 2013 and terminate on April 9, 2014. The Town shall have the option to extend this contract at the same price for (2) consecutive one-year terms.

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

APPROVE YEAR END BUDGET TRANSFERS  
COMPTROLLER'S OFFICE  
RESOLUTION #170

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

Be it Resolved, that the attached Budget Transfers and capital Project transfers are hereby approved.

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

TOWN BOARD AGENDA  
APRIL 16, 2013

The Town Board discussed the April 16, 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 Paganelli, seconded by Councilman Bianco, to move into Executive Session and discuss contract negotiations for the AT&T Cell Tower Lease agreement.

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

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli, the Town Board adjourned the meeting.

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown