

Town Board Meeting of the Town Board, Town of Yorktown on
May 7, 2013 held at the John C. Hart Memorial Library, 1130 East Main Street, Shrub
Oak, NY 10547

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

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco to move into Executive Session to discuss pending litigation and the employment of a particular person.

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 spoke about the Yorktown Arbor Day Celebration on April 26, 2013. There were 115 entries in the Poster Contest. Supervisor Grace thanked the organizers of the event.

A small committee has been meeting with the Supervisor looking at signage in the community.

Officials of Yorktown are working with the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection exploring options involved in getting new sewer permits and hookups.

The Water Department has begun the yearly hydrant flushing program.

DURING REPORTS FROM THE TOWN BOARD.

Councilman Bianco spoke about the Ethics Disclosure Statements that are due on May 15, 2013.

Councilman Murphy thanked the organizers of the Yorktown Historical House Tour for their efforts in raising \$8,000 for Relay for Life.

Councilman Patel spoke about a number of events he attended or participated in including the Battle of Yorktown, the Courts of Honor for the latest Eagle Scouts, one of whom is Zachary Abbate. Councilman Patel attended the dedication of a new Yorktown Central School District Ball Field as well as a 5K run in FDR Park. Councilman Patel also attended an Affordable Housing Seminar hosting by the Town of Bedford.

Councilman Paganelli spoke about the Battle of Yorktown explaining that 585 volunteers participated in the Town's yearly battle against roadside litter. 16.65 tons of debris was collected.

PRESENTATION

Dr. Binoy Singh – Associate Chief of Cardiology, Director of Clinical Business Development, Lenox Hill Heart and Vascular Institute of New York.

This joint venture between Lenox Hill Hospital and Long Island Jewish Health System provides Yorktown with a facility that will provide state-of-the art cardiac non-invasive testing and vascular procedures. More than one million dollars has been invested in this 3200 square foot medical practice.

Lenox Hill Hospital and Long Island Jewish Health System is the 6th largest healthcare provider in the world; the largest in New York State.

APPOINTMENT

CAROLINE MCKINLEY – LIBRARIAN – JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #193

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

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks, that Caroline McKinley is hereby appointed Librarian I, job class code 0216, from Eligible List No 64-481, in the Library Department, effective June 3, 2013, to be paid from Yorktown CSEA Salary Schedule A- Group XI, Step 1, which is \$50,782 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 3, 2013.

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

RESIGNATION – WATER DEPARTMENT

ROBERT AGOSTINO

RESOLUTION #194

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

Be It Resolved, the Town Board hereby accepts the resignation of Robert Agostino on May 9, 2013 with regret

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

APPOINTMENT

MIKE BYRNES – CABLE TC COMMITTEE

RESOLUTION #195

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

BE IT RESOLVED, that Mike Byrnes is hereby reappointed to the Cable TV Committee for a three year term expiring on December 31, 2015.

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

APPOINTMENT

ALBERT J. DURANTE – BOARD OF ETHICS

RESOLUTION #196

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

BE IT RESOLVED, that Albert J. Durante is hereby appointed as a member of the Board of Ethics Committee for a three year term expiring on May 31, 2016.

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

APPOINTMENT
JOHN MEISTERICH – ZONING BOARD OF APPEALS
RESOLUTION #197

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

BE IT RESOLVED, that John Meisterich is hereby appointed to the Zoning Board of Appeals for a five year term expiring on December 31, 2018

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

APPOINTMENT
WILLIAM GREGORY – ALTERANTE - ZONING BOARD OF APPEALS
RESOLUTION #198

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

BE IT RESOLVED, that William Gregory is hereby appointed as an alternate member of the Zoning Board of Appeals, replacing John Meisterich. His term will expire on December 31, 2015.

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

RESOLUTIONS FROM THE MEETING OF 4/16/2013
RESOLUTION #199

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

Resolved, that the Town Board Meeting Resolutions for April 16, 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, a member of the Arbor Day Committee spoke about the April 26, 2013 celebration. She spoke about the posters that lined the walls of the Community Room at the Library. 52 posters were judged by the committee. Mrs. Kutter discussed the celebration which she says grows every year. The winning posters will be turned into banners which will line the streets of Yorktown prior to next year's Arbor Day Celebration.

Mr. Walt Daniels made an inquiry into issues relating to the rezoning resolution for the Winery on Route 6.

Mr. Steve Gardner complained about work performed at Granite Knolls which he said required erosion control measures, but none were taken. He spoke about the Request for Proposals that was sent in last year for this work. The project was put on hold until earlier this year. In his proposal, he put in a cost for erosion control measures as well as the project. He recently visited the site and said no erosion control protection was added to this project.

Supervisor Grace as well as other members of the Town Board stated that they will look into the matter.

Mary Schlageter, a resident of Yorktown and representative of the National Alliance on Mental Illness stated that May is Mental Health Awareness Month. Their organization is considered to be the premiere advocacy group for families who may have a member with a mental illness. On May 18th, the group will be holding a 5K race in Rye Town Park to raise funds for families impacted by mental illness.

Mrs. Nicole Sabeski, a resident of Jefferson Valley spoke to the Town Board about the hazardous traffic conditions in her neighborhood. She asked that the Town install speed bumps at the intersection of Perry Street and Route 6N.

Supervisor Grace stated that Councilman Murphy, a member of the Public Safety Committee and our Traffic Safety Officer Larry Eidelman will come out to her area and make recommendations to the Town Board. The Supervisor explained that speed bumps in this instance could exacerbate the problem rather than helping.

Mrs. Theresa Evangelista, also a resident of Jefferson Valley described how hazardous driving in this area could be. She explained that at the corner there is limited sight distance, signs telling people to slow down have already been installed and do not work.

Supervisor Grace stated that the Public Safety Committee will go out to the site and make recommendations to the Town Board.

Mr. Dan Sabia, a resident of Jerome Road asked for clarifications regarding the Town's responsibility concerning trees that were brought down during Hurricane Sandy. He explained that he chopped up and the Highway Department removed the trees from his property which is near town owned land. After having some additional trees taken down and left at the curb, he was told that the Highway Department was finished with their work in that area.

Supervisor Grace will find out what happens next.

Mrs. Kathy McGowan, a resident of Sunrise Street asked for an update on getting sewers in her area. She owns one of the 1,000 properties in the Hallocks Mill Sewer District that doesn't have sewers. This is a serious quality of life issue. The questions that she needed answers to were; is partial diversion a pathway to getting sewers, can East of Hudson funds be used, they need hard answers, hard decisions and hard deadlines.

Supervisor Grace explained that he had met with the New York City Department of Environmental Protection and the New York City Department of Environmental Protection. He has also held meetings with the communities served by the Westchester County Sewer Facility in Peekskill. We are looking at a variety of options. Our discussions with New York State and New York City area very sensitive and I really should not be talking about them.

Mr. Richard Camponara spoke about drainage in his neighborhood. He says since Guiding Eyes was given permission to enlarge its facility, the runoff in his area has increased substantially.

Our Environmental Consultant will be sent to look at drainage in the area.

PUBLIC HEARING

AMEND CHAPTER 300-21C (1) (USE REGULATIONS, I-2 PLANNED LIGHT INDUSTRIAL DISTRICTS)

Supervisor Grace called to order a public hearing to amend Chapter 300-21C (1) (Use Regulations, I-2 Planned Light Industrial Districts), adding a main use: Buildings for Staging Special Events to the Code of the Town of Yorktown. The Town Clerk presented affidavits of posting and publication.

Supervisor Grace explained that this amendment is a result of a request made to the Town Board by a company that hosts parties at its facility on Front Street. In the beginning, the company had a catering company that used their liquor license to provide liquid refreshments to their guests. The company has decided to apply for a liquor license; this amendment to the law helps them.

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 #6 OF 2013
AMENDING CHAPTER 300-21C, I-2 PLANNED LIGHT INDUSTRIAL DISTRICTS
RESOLUTION #200

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

WHEREAS, a public hearing was held on the 7th day of May, 2013 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 300-21C (1) (Use Regulations, I-2 Planned Light Industrial Districts), adding a main use: Buildings for Staging Special Events to the Code of the Town of Yorktown.

RESOLVED, that Local Law #6 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 #6 of 2013 was thereupon declared duly adopted.

ADVERTISE PUBLIC HEARING
AMENDING CHAPTER 15, ENTITLED “BUILDING CONSTRUCTION
ADMINISTRATION”: AND CHAPTER 195 ENTITLED “LAND DEVELOPMENT”
TO REQUIRE ELECTRONIC SUBMISSION OF DOCUMENTS REQUIRED FOR
BUILDING PERMIT, SUBDIVISION, SITE PLAN/APPLICATIONS
RESOLUTION #201

Upon motion made by Councilman Paganelli seconded by Councilman Murphy,

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, New York 10598, on the 21st day of May, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, 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.

A copy of said proposed local law 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.

A copy can also be viewed on the Town Website at www.yorktownny.org.

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

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

ADVERTISE PUBLIC HEARING
AMENDING CHAPTER 250 ENTITLED STREETS AND SIDEWALKS
CONCERNING STREET OPENING PERMIT FEES
RESOLUTION #202

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

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, New York 10598, on the 21st day of May, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, 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.

A copy of said proposed local law 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.

A copy can also be viewed on the Town Website at www.yorktownny.org.

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

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

ADVERTISE PUBLIC HEARING
ST. GEORGE'S WINERY – REQUEST FOR WETLANDS PERMIT
RESOLUTION #203

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 21st day of May, 2013 at 7:30 o'clock PM to consider the application of Thomas DeChiaro, Old St. George's LLC for a Wetlands Permit to construct a parking area, patio and trellis in a wetlands buffer pursuant to plans approved by the Town Board on June 5, 2012. Known on the Town of Yorktown tax map as Section 15.12, Block 2, Lot 53.

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.

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

Grace, Murphy Voting Aye
Bianco, Patel, Paganelli Voting Nay
Resolution denied.

There was a discussion among the Town Board members concerning not wanting to infringe upon the wetlands and whether or not the applicant should be working within a town- owned sight.

Supervisor Grace explained those are issues that can be brought up during a public hearing; this resolution gives the applicant the ability to have a public hearing.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH COMNETIX, INC.
FOR A RENEWAL MAINTENANCE CONTRACT AND SUPPORT SERVICES FOR
POLICE DEPARTMENT- \$3,298.00
RESOLUTION #204

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with COMNETIX, INC., a MorphoTrust USA, Inc. Company, for a renewal maintenance contract and support services for the Yorktown Police Department's Livescan equipment and software from May 1, 2013 to April 30, 2014. The annual renewal fee is \$3,298.00.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS FOR THE NUTRITION CENTER
RESOLUTION #205

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

RESOLVED, the Town Supervisor is authorized to sign agreements for Title 111-C-1 and 111-C2 for the year January 1 through December 31, 2013 with Westchester County for grants for home delivered site meals and the congregate.

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

AUTHORIZE COMPTROLLER TO WAIVE CHARGING FEES FOR RENT, UTILITIES AND THE TOWN ATTORNEY DUE TO SEQUESTRATION ORDER SIGNED INTO LAW MARCH 1, 2013
RESOLUTION #206

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

WHEREAS, the Section 8 Housing Choice Voucher Program seeks to relieve its financial requirement to reimburse the Town of Yorktown for rent, utilities and Town Attorney fees. This request comes as a result a federal law signed on March 1, 2013 to issue a sequestration order. This order triggered the mandatory reduction of budgetary resources across the Federal government for the remainder of the Federal fiscal year.

WHEREAS, the Section 8 Housing Choice Voucher Program is fully federally funded, these budget cuts have significantly impacted the Yorktown's Program's ability to assist the current number of households in the program and subsequently cover its ongoing administrative expenses.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby directs the Town Comptroller to waive the charging of fees for rent, utilities and Town Attorney.

Patel, Paganelli Voting Aye
Grace, Bianco, Murphy Voting Nay
Resolution denied.

AUTHORIZE STIPEND
ROBYN STEINBERG – OVERALL WEBSITE MAINTENANCE - \$5,000
RESOLUTION #207

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

Resolved, that the Town Board of the Town of Yorktown authorizes Robyn Steinberg to be paid a personal stipend of \$5,000 per year for overall website maintenance.

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

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #208

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

Year and Tax	S-P-L	Account #	Refund
2012 Sch 21	17.18-3-6	2817500	\$3,267.87

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

MONTHLY REPORTS

The Town Board accepted Monthly Reports from the Receiver of Taxes.

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

Mr. Steve Gardner continued his discussion on the project at Granite Knolls. He wanted to know when projects like this are undertaken, who polices the project.

Mr. Brendan Tully thanked Councilman Bianco, Councilman Patel and Councilman Paganelli for voting against the resolution to advertise a Public Hearing for the Winery. Mr. Tully explained that the Board of Elections has alleged improper handling of the money he received for his Political Action Committee. He further stated that anyone on the Town Board who has received money from the PAC or held a fund raiser at the Winery should recuse themselves from voting upon any issue concerning the Winery,

Supervisor Grace explained that this is an advertisement for a Public Hearing. The Board can deny the permit but you do this after receiving comment at the Public Hearing.

Mrs. Karen Perrez, the Administrator of the Section 8 Program stated that she was disappointed with the vote taken earlier tonight to waive some fees for her program. She explained that up until several years ago, these fees were always waived. This is a \$1.4 million dollar program; more than half of the recipients of the program are elderly or disabled.

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH AHA CONSULTING FOR THE REDESIGN OF THE TOWN'S WEBSITE - \$4,950 RESOLUTION #209

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement with Aha Consulting, Inc in the amount of \$4,950 for the redesign and upgrade of the Town's website.

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

AUTHORIZE THE TOWN COMPTROLLER TO REFUND \$1,800 TO OLD ST. GEORGES, LLC, COST OF A WETLANDS PERMIT APPLICATION RESOLUTION #210

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

RESOLVED, that the Town Board authorizes the Town Comptroller to refund \$1,800, the cost of a wetlands permit application to Old St. Georges, LLC.

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

ADJOURN

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

Alice E. Roker, Town Clerk
Town of Yorktown