

Regular meeting held by the Town Board,
Town of Yorktown on January 17, 2012 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

Present: Michael Grace, Supervisor
Nicholas Bianco, Councilman
Terrence Murphy, Councilman
Vishnu Patel, Councilman
David Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss CSEA Negotiations.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

PLEDGE OF ALLEGIANCE

Eagle Scout Joshua Davies 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.

EAGLE SCOUT – JOSHUA DAVIES

Supervisor Grace introduced Eagle Scout Joshua Davies. Eagle Scout Davies explained that he built a new Grandstand at the Grange as his Eagle Scout Project.

Supervisor Grace thanked Eagle Scout Davies for all his hard work.

Councilman Patel announced that Eagle Scout Daniel Marelo was unable to be present tonight. He built a soundproof recording studio at Lakeland High School. He thanked both Eagle Scouts for all their work and congratulated them on achieving the rank of Eagle Scout.

DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace stated that he went to Supervisor School for three days. He noted that he attended a performance put on by the Dance for Cause, it was a beautiful show held at the YCCC. He also attended the Teen Center Open Mike session. It was an incredible performance by all. Supervisor Grace announced everyone that participated in the Open Mike performance. He stated that there will be another session the first Friday in February at the Town Hall and we will be streaming the performance live. He thanked Teen Center Director Helena Rodriguez and the Justin Veatch Fund for helping to showcase these young adults and bring forth the incredible talent in this Town.

Supervisor Grace thanked Senator Ball for having the Wall of Fame for Veterans at the Yorktown High School. Supervisor Grace acknowledged John McQuillan, who is Yorktown's Wall of Fame Veteran. Supervisor Grace thanked all veterans for protecting our freedoms and for all the sacrifices they have made.

DURING REPORTS FROM TOWN COUNCIL

Councilman Paganelli stated that the Werner Family lost their son early Sunday morning, it was a terrible tragedy and he asked everyone to keep them in their prayers and thoughts to have the strength to see this time through.

Supervisor Grace thanked Highway Superintendent Eric DiBartolo and the Highway Department for all the work that they did to keep the roads safe during the storm the night before. He also thanked Highway Superintendent DiBartolo for doing an emergency drainage repair on Wood Street during the storm.

Councilman Bianco stated that the JV Mall is under new management and there will be good news regarding mall walkers.

Councilman Murphy thanked Helena Rodriguez for her work with the Yorktown Teen Center. He offered Condolences to the Werner family and thanked Senator Ball for bringing the Wall of Fame for Veterans to the Yorktown High School.

Supervisor Grace thanked Councilman Patel for purchasing the new rug in the Town Boardroom.

Councilman Patel spoke about the Westchester Municipal Officials meeting. He attended.

Councilman Paganelli stated that he attended the Northern Joint Water Works meeting on behalf of Supervisor Grace. He will continue to attend these meetings.

APPROVE RESOLUTIONS FROM JANUARY 3, 2012
RESOLUTION #27

Upon Motion by Councilman Bianco, Seconded by Councilman Murphy,

Resolved, that the Town Board Meeting Resolutions for January 3, 2012 are approved as amended by the Town Board.

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

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Grigory Krasov asked the Town Board to consider working with the Taxpayer Subsidy Committee to start generating revenue for the Museum rather than it being a \$70,000 a year burden. He stated that no one is really thinking about museum, he feels that work has overburdened the current Director of the Museum Town Clerk Alice Roker and she cannot successfully cope with the Town Clerk's overwhelming duties and doing successful Museum fundraising and grant solicitation. He stated that there is grant money available from the Westchester Arts Council.

Supervisor Grace stated that he would speak with Town Clerk Alice Roker regarding this issue.

Mr. Patrick Cominsky congratulated Supervisor Grace and Councilman Paganelli for being elected to the Town Board and wished them luck. He thanked the former Town Board for all they have done to date with moving forward with getting the demolition of the Holland Sporting Club done. He urged the Town Board to award the bids for Asbestos Removal and Demolition of the Holland Sporting Club. Copies of Mr. Cominsky's comments are on file in the Town Clerk's Office and may be viewed during normal business hours.

Ms. Laura Kosbar urged the Town Board to move forward and award the bids for the removal of asbestos and demolition of the Holland Sporting Club.

Mr. Alan Most stated that this work should be awarded immediately and should be done by professionals.

Ms. Katherine Jewel-Preston stated that this work needs to be done and she urged the Town Board not to delay this issue.

Supervisor Grace stated that this will be done.

Councilman Bianco stated that we should not use the Highway Superintendent to do this job. He further stated that due diligence must be done before this bid can be awarded.

Supervisor Grace stated that the Town will be awarding this bid but it needs to be discussed at a work session. He stated that we have a fiduciary responsibility to the Town and need to do our due diligence.

Mr. William Primavera asked the Town Board to reinstate the Landmark Preservation Commission.

Mr. George Hansen, member of the American Legion Post 1009, offered the services of the American Legion members as well as their facility in the case of an emergency situation.

Councilman Bianco stated that there is a problem with the sound for tonight's meeting.

Mrs. Kathy D'Amato stated she comes here tonight with a heavy heart and thanked the community for all that they have done for her personally. She stated that we have too many young people dying. Our roads are unforgiving and dark. She does not feel that we are doing enough for the young people in our community and there is not enough that we can't do for the young people in our community.

Supervisor Grace stated that he agrees with Ms. D'Amato and will be seeking her assistance. He will be creating a Community Outreach Committee. He feels a lot needs to be done in this community.

Councilman Murphy stated that when tragedies happen we all come together and we will be working on a Community Outreach Committee.

Mrs. Susan Siegel congratulated and wished good luck to Supervisor Grace and Councilman Paganelli. She asked if the Town Board could explain why they had to vote on the January 3, 2012 Resolutions. There is a sixty day award clause in the bids for the Holland Sporting Club. She asked about the Winery and the request for a Temporary Certificate of Occupancy (TCO). She asked if the Winery has been open for two years, why does it need a TCO, what can they do with a TCO that they can't do now.

Supervisor Grace stated that the next step would be to issue a TCO to the Winery so that they can generate income in order to finish the work that needs to be done to get a CO.

Mrs. Susan Siegel stated that the Winery is zoned residential and has been operating commercially for two years. She also asked about the conference attendance resolutions on the agenda and asked if there is a change in the previous policy.

Supervisor Grace stated that yes.

Mr. Perrora stated that he lives on Lawrence off Lexington Avenue. He explained that they got sewers and a section of Lawrence Road did not get repaved.

Highway Superintendent Eric DiBartolo stated that it was a mistake and it will be paved this year.

Ms. Rhoda Sussman stated that they have been told they can't use the nutrition vans for their luncheons.

Supervisor Grace stated that this issue was solved and you will have use of the nutrition vans.

Mr. Chris Sciarra stated that issuing a TCO for the Winery is a step in the right direction.

Highway Superintendent Eric DiBartolo stated that the Town Board should consider reestablishing the Traffic Committee; he suggested bringing in young people to also serve on this committee.

Mr. Ed Ciffone spoke about the budget and fund balance. He stated that the Town Board should have term limits for Supervisor and Councilmen.

COURTESY OF THE FLOOR IS CLOSED

Councilman Bianco stated that he agrees with Mr. Primavera, the Town should reinstate the Landmark Preservation Commission, he further stated that we should not use our Highway Department for the Holland Sporting Club work but we need to get it done, He agrees with Mrs. D'Amato, He explained to Mrs. Siegel that he agrees with employees going to training conferences if it is included in the department's budget. He feels a traffic committee should be reestablished.

Councilman Murphy thanked Mr. Hansen for opening up the American Legion for community service. He explained to Mrs. D'Amato that he sees this community reaching out and working together which is why a Community Outreach Committee will be established. With regards to the Holland Sporting Club, it will get done.

Councilman Paganelli stated that he would like to move the personnel resolution up, especially when they are here on their own time waiting to be appointed.

APPOINTMENT RECREATION COMMISSION

PATRICIA CAPORALE

RESOLUTION #28

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

BE IT RESOLVED, that Patricia Caporale is hereby reappointed as a member of the Parks and Recreation Commission with a term to expire on 12/31/18.

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

Mrs. Patricia Caporale thanked the Town Board for the appointment.

Councilman Murphy stated that he was told by Senator Ball today that the grant money for some Parks and Recreation projects has been approved.

Supervisor Grace thanked Mrs. Caporale for volunteering.

RELEASE WETLANDS BOND AND FEE

#WP-065-11

RESOLUTION #29

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

WHEREAS, Glassbury Court c/o Katonah Management Group, as applicant, posted Check No. 001278 in the amount of \$750.00 which was deposited into the T33 account on September 30, 2011, to serve as the Wetland Bond for Wetland Permit #WP-065-11, for work performed at the Glassbury Court site, and

WHEREAS, Glassbury Court c/o Katonah Management Group, as applicant, posted Check No. 001279 in the amount of \$500.00 to serve as the required inspection fees for this Wetland Permit, which was deposited into the T76 account on September 30, 2011, NOW, THEREFORE BE IT

RESOLVED, 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 \$750.00 for erosion control and the \$187.50 for unused escrow may be released, AND, BE IT FURTHER

RESOLVED, that the above-referenced monies are hereby released to Glassbury Court c/o Katonah Management Group, P.O. Box 1019, Croton Falls, NY 10519-1019.

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

RELEASE EROSION CONTROL BOND

#008-09

RESOLUTION #30

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

WHEREAS, Vincent O'Dair, as applicant, heretofore filed a Wetland Bond in the amount of \$500.00, which was deposited into the T33 Account on May 15, 2009, covering Wetland Permit #008-09, for work performed at his Lakeland 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 \$500.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$500.00 be and is hereby released to Mr. Vincent O'Dair, 3568 Lakeland Street, Mohegan Lake, NY 10547.

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

REDUCTION PERFORMANCE BOND

CRANBERRY HILL SUBDIVISION

RESOLUTION #31

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

WHEREAS, Daniel Munsell, as applicant and developer, provided the Town with Check No. 2352 the amount of \$244,515.00 which was deposited into the T33 account on July 5, 2005, to serve as the Performance Bond for the Cranberry Hill Subdivision, located on Mill Street, and

WHEREAS, Daniel Munsell as applicant and developer, requested a Performance Bond reduction (reduced to \$41,427.50) which was approved at the Town Board meeting of February 21, 2006, and

WHEREAS, Daniel Munsel has recently requested a second Performance Bond reduction for work completed at the Cranberry Hill Subdivision site, and

WHEREAS, a member of the Town Engineering Department has informed the Acting Town Engineer that said items have been satisfactorily completed and that the \$41,427.50 Performance Bond can be reduced to \$14,900.00 (\$41,427.50 - \$14,900.00 = \$26,527.50 to developer), and

WHEREAS, the Acting Town Engineer has informed this Board by memorandum dated December 14, 2011, that said Performance Bond may be reduced to \$14,900.00 for the completion of outstanding Performance Bond items within the Cranberry Hill Subdivision, NOW, THEREFORE BE IT

RESOLVED, that Check No. 2352 in the amount of \$26,527.50 be and is hereby released to Mr. Daniel Munsell, Cranberry Hill Inc., 20 Kramers Pond Road, Putnam Valley, NY 10579.

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

APPROVE CHANGE ORDERS

PARTIAL RENOVATION OF THE YCCC

RESOLUTION #32

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

WHEREAS, the Town Board of the Town of Yorktown on June 21, 2011, awarded Peter A. Camilli & Sons the contract for renovation to the YCCC Senior;

WHEREAS, said contract was awarded for a maximum amount of \$ 474,849.00; and

WHEREAS, Peter A. Camilli & Sons has submitted change orders for additional expenses for work to satisfy Building Department requirements, request from the Nutrition Director, and address unforeseen conditions:

1)	10/18/2011	#1	Asbestos inspection, testing & report (Required for Building permit)	\$4,025.00
2)	10/28/2011	#2A	Masonry demolition for 2 nd Egress from dining room (req'd for egress)	\$736.00
3)	12/8/2011	#4	New partition in Nutrition Office for Nutrition Director. Incl. Elect., paint, door, & hardware. (requested by Nutrition Director).	\$4,995.00
4)	12/12/2011	#5	Relocation of steam heat piping and radiator Necessary for new doorway from dining room to rear lobby (unforeseen condition)	\$7,824.36
				Total <u>\$17,580.36</u>

NOW THEREFORE BE IT RESOLVED, that the Town of Yorktown Town Board hereby authorizes payment for said expenses with an increased allocation of \$17,580.36.

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

AUTHORIZE ATTENDANCE POOL AND SPA CONFERENCE
THREE PARKS AND RECREATION EMPLOYEES
RESOLUTION #33

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

Whereas, the Superintendent of Parks and Recreation has requested permission for three employees to attend the Pool and Spa conference held in Atlantic City this year, and

Whereas, sufficient funds exist in the parks training line, and

Whereas, the department head has deemed it beneficial to the town to have these three employees attend the training seminars, now,

Therefore, Be It Resolved, the following employees have permission to attend the 2012 Pool and Spa Show held in Atlantic City, NJ on January 23rd through January 25th, 2012. Expenses, including lodging and food, are expected to total approximately \$400. Additionally, said employees have permission to take a town vehicle for this conference.

Employees attending:
Todd Orłowski, Recreation Supervisor
Guido Parks, Maintenance Mechanic Repair
Andrew Cerrato, Laborer

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

AUTHORIZE THE SUPERVISOR TO SIGN
LEASE AGREEMENTS FOR MANETOO DANCE ENSEMBLE D/B/A WESTCHESTER
BALLET CENTER AT THE YCCC
RESOLUTION #34

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

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center for one year from January 1, 2012 through December 31, 2012, as set forth in the proposed lease, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Journal News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

AUTHORIZE SUPERVISOR TO SIGN
LEASE AGREEMENT FOR WESTCHESTER COMMUNITY OPPORTUNITY
PROGRAM, INC. (YORKTOWN HEAD START) AT THE YCCC
RESOLUTION #35

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

WHEREAS, Westchester Community Opportunity Program, Inc. (Yorktown Head Start), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

APPROVE COMMERCIAL GARBAGE LICENSES
AAA CARTING & RUBBISH REMOVAL D/B/A A & N CARTING
RESOLUTION #36

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

RESOLVED, that AAA Rubbish Removal D/B/A A&N Carting Company be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSES
BRIA CARTING
RESOLUTION #37

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

RESOLVED, that Bria Carting Company be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSES
R & S WASTE SERVICES, LLC
RESOLUTION #38

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

RESOLVED, that R & S Waste Services, LLC be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSES
BETTER CARTING SERVICES, INC.
RESOLUTION #39

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

RESOLVED, that Better Carting Service, Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSES
SANI-PRO DISPOSAL SERVICES
RESOLUTION #40

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

RESOLVED that Sani-Pro Disposal Services be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSES
ATNM CORPORATION
RESOLUTION #41

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

RESOLVED that ATNM Corp. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2012.

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

BUILDING DEPARTMENT MONTHLY REPORTS
DECEMBER 2011 AND JANUARY – DECEMBER 2011

The Town Board accepted the Monthly Reports from the Building Department.

RECEIVER OF TAXES MONTHLY REPORTS
SCHOOL TAXES PAID - 12/1/2011-12/31/2011 - TOWN AND COUNTY TAXES PAID -
12/1/2011 - 12/31/2011 - WATER CHARGES PAID - 12/1/2011-12/31/2011

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

COURTESY OF THE FLOOR

No Public Comment Received.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown