

Regular meeting held by the Town Board,
Town of Yorktown on April 3, 2012 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

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

Absent: Michael J. Grace, Supervisor

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board moved into Executive Session to discuss an issue concerning the third party administrator.

TOWN BOARD MEETING

Deputy Supervisor Terrence Murphy called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

PLEDGE OF ALLEGIANCE

Deputy Supervisor Murphy 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 THE SUPERVISOR'S REPORT TO THE TOWN

Deputy Supervisor Terrence Murphy stated that the Easter Egg Hunt has been postponed due to the weather and will be held this Saturday. He cautioned drivers to be careful on the Taconic State Parkway as the closures have caused lane shifts.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that the April tax bills are in the mail. He explained several items located on the tax bills such as special district taxes, the MTA tax and suggested residents read the back of the tax bill which has helpful information.

Highway Superintendent Eric DiBartolo stated that there was an issue at the blacktop plant and it had to close down until next week. All of the blacktop work that has been done will be redone at no cost to the town. He further stated that the flooding issues on Highbrook Street have been fixed. He will also be working to remove the small parking lot by Legacy Ballfields which was part of the agreement the town made with the condo residents when the fields were constructed.

COURTESY OF THE FLOOR

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

Mr. John McMullen stated that he would like the Town Board to adopt a resolution calling on congress to take action with regards to Campaign Finance Reform. He spoke about the Supreme Court's Citizens United Decision because the court's ruling is that corporations are people and are entitled to the Constitution's protection regarding Freedom of Speech.

Mr. Gil Kaufmann who serves as the Chair of the Senior Advisory Committee stated that the Town Board passed a resolution last week with regards to senior clubs using the senior vans, he wanted to know how these additional trips would be paid for and how the town would handle the requests should they conflict each other.

Mrs. Jennie Menton stated that she would like the Town Board to rescind the resolution that was passed last week regarding use of senior vans by the senior clubs. She feels that the Town Board should not be compromising it should follow its rules. She noted that this is the second time that the Town

Board has compromised on a senior issue. Decisions made by the Town Board should not be influenced by politics.

Councilman Bianco stated that Democracy is a compromise and this decision was a compromise. He also stated that he was told that the Town has the money to pay for the transportation.

Ms. Celeste Tyce spoke about the Citizens United Decision and asked the Town Board to support Mr. McMullen's request.

Ms. Ann also spoke about the Citizen's United Decision and would like the Town Board to support Mr. McMullen's request to pass a resolution regarding this issue.

Mr. William Gorman stated that he resides on Hanover Street and has an issue with vehicles speeding down the road. He would like the Town Board to reduce the speed limit on this road, put in speed bumps or put up Children at Play signs. He feels that something needs to be done. He also asked about the kickboxing signs that are being placed on Hanover Street which he has been removing.

Councilman Bianco stated that the Town Has hired a Code Enforcement Officer and he will speak to him about the signs.

Councilman Paganelli stated that part of the problem is that the road is narrow.

Deputy Supervisor Murphy stated that he would speak to Police officer Larry Eidelman and see what can be done.

Mr. Walter Daniels stated that the Conservation Board and Open Space Committee have not received the referral for State Land Corp.

Councilman Bianco stated that this is a concept plan and a formal application has not been submitted yet.

Deputy Supervisor Murphy thanked everyone for their comments.

COURTESY OF THE FLOOR IS CLOSED

APOINTMENT PLANNING BOARD MEMBER

JOHN FLYNN

RESOLUTION #125

Upon motion of Deputy Supervisor Murphy, seconded by Councilman Patel,

Resolved, that the matter of this appointment be tabled until Supervisor Grace returns.

Murphy, Patel Voting Aye
Bianco, Paganelli Voting Nay
Resolution defeated.

APOINTMENT PLANNING BOARD MEMBER

JOHN FLYNN

RESOLUTION #126

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

RESOLVED, that John Flynn of Yorktown Heights, New York is hereby appointed to the Planning Board for a term of 5 years commencing on April 3, 2012 and expiring on December 31, 2016.

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

CANCEL THE NEXT REGULAR MEETING

OF THE TOWN BOARD

RESOLUTION#127

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

RESOLVED, that the Town Board Work Session scheduled for the week of April 23, 2012 is hereby cancelled due to the 2012 Presidential Primary.

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

APPOINTMENT OF SEASON WORKER
IN THE HIGHWAY DEPARTMENT
RESOLUTION #128

Upon motion made by Councilman Bianco, seconded by Councilman Patel,
BE IT RESOLVED, that Frank J Lanzetta of Somers, NY, is hereby appointed Temporary Laborer within the Highway Department, job class code 0425-05, effective April 30th, 2012 through November 16th, 2012, to be paid an hourly rate of \$12.50, as the Organic Waste Facility Gate Checker.

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

EXTEND THE CONTRACT FOR
THIRD PARTY ADMINISTRATOR SERVICES
RESOLUTION #129

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an extension agreement for third party administrator services for workers compensation between the Town and USA-TPA, extending the agreement between the parties that expired on March 31, 2012 for 60 days, from April 1, 2012 through May 31, 2012, under the same terms and conditions.

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

REFERRAL – STATE LAND CORP PETITION FOR REZONING
RESOLUTION # 130

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: State Land Corp. in connection with property known on the Yorktown Tax Rolls as Section 26.17 Parcel 1 Lot 1 for a Change of Zone from R-160 to C-3 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 7, 2012, and

Deputy Westchester County Executive, George Oros

Westchester County Legislator Michael Kaplowitz
Westchester County Legislator John Testa

NYS DOT
NYC DEP

WC Planning Department
WC Planning Board

Town of Cortlandt

Town of Yorktown Agencies:
Acting Town Engineer
Conservation Board
Environmental Consultant
Planning Board

Planning Department
Town Attorney

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

ADVERTISE BID FOR SUMMER CAMP BUS SERVICE
RESOLUTION #131

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Friday, April 27, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for contracting bus service for various programs in the Yorktown Parks and Recreation Department. Bids may be made on a total per section basis, a group basis or the total bid. The Town reserves the right to award the bid(s) on a lowest cost per section basis, a lowest cost for a group of sections basis or the lowest cost for a total bid (Section I: School Buses - Camps; Section II: Coaches - Camps), for a contract starting June 25, 2012 and ending on July 27, 2012.

All bids must be accompanied by an executed non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID FOR ASBESTOS AIR SAMPLING AND PROJECT MONITORING AT THE HOLLAND SPORIGN CLUB
RESOLUTION # 132

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

RESOLVED, the Town Clerk is hereby authorized to receive sealed proposals for asbestos air sampling and Project Monitoring in selected buildings located at the Holland Sporting Club, 1683 Horton Road, Mohegan Lake, NY.

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

REFUND DUPLICATE TAXES
RESOLUTION #133

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

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

Year and Tax	S-P-L	Account #	Refund
2011 Sch 21	15.20-1-26.78/1	0541705	\$1,621.89
2011 Sch 21	17.14-3-39	2839500	\$3,375.43
2011 Sch 22	26.15-1-65	1402000	\$3,772.41
2011 Sch 22	36.10-2-71	3227680	\$6,109.83

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

Murphy, Bianco, 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. Gil Kaufmann, Chair of the Senior Advisory Committee asked when the official grand opening of the renovated senior center will take place.

Planning Director John Tegeder stated that it was almost complete with some minor issues to be done. The Building Inspector is scheduled for a final inspection.

Mrs. Jennie Menton stated that the Town Board did not address her request to rescind the resolution for the senior vans. She also stated that Democracy is not going against the rules, compromise means doing things the right way.

Mr. John Jefferson spoke about speeding on East Main Street by 6N and Perry Street.

Mr. Ed Ciffone stated that as of the April Tax Bill the Sultana Ridge Association will owe \$44,000 in back taxes, he feels the only way to handle this situation is to reduce their assessment to zero. He also stated that the settlement agreement for the Section 8 housing lawsuit cost the Town \$165,000. He suggested doing away with the Section 8 Housing Program. Mr. Ed Ciffone stated that the Town should consider taking down the barn at the Granite Knolls site by using the excess funds from the Holland Sporting Club demolition.

Mr. Joseph Bonanno, J & J Backflow stated that Yorktown Water Department is incorrectly charging for backflow inspections, he believes the fee rate in the Town Code is different then what is being charged.

Councilman Bianco stated that he will look into the rate issue.

Councilman Paganelli stated that the Town will look into the issue and address it appropriately.

Highway Superintendent Eric DiBartolo stated that in 2009 the Town was not in compliance with the Health Department regulations which required the Town to keep records of inspections for backflow testing. He believes that the in-house program that was established is working out well.

Councilman Bianco stated that he does not see a problem with offering its customers this service.

Mr. Anthony Grasso spoke about the Supreme Court's Citizens United Decision. He noted that compromise is good but should be for the whole not part of the whole. Don't segregate. He urged the Town Board to rescind the resolution regarding the use of senior vans by the senior clubs.

Mr. McMullen spoke about the Supreme Court's Citizens United Decision.

COURTESY OF THE FLOOR IS CLOSED

MONTHLY REPORTS

Receiver of Taxes

ADJOURN

Upon motion made by Councilman Bianco moved, seconded by Councilman Patel, the Town Board meeting was adjourned.

Diana L. Quast
Deputy Town Clerk
Town of Yorktown