

Work Session held by the Town Board, Town of Yorktown on August 14, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Linda G. Cooper, Supervisor
James Martorano, Councilman
Nicholas Bianco, Councilman
Louis Campisi, Councilman
Matthew Metz, Councilman

EXECUTIVE SESSION

Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to discuss personnel and Land Acquisition Negotiations.

Councilman Bianco moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the Work Session.

WORK SESSION

Supervisor Cooper called the meeting to order. Deputy Town Clerk Diana L. Quast and Town Attorney Kevin Sweeny were also present.

APPOINTMENT WATER DEPARTMENT

MARIA GAUGIO - INTERMEDIATE ACCOUNT CLERK/TYPIST RESOLUTION #310

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

BE IT RESOLVED, that Maria Gaudio is hereby appointed Intermediate Account Clerk/Typist from Eligible List No. 02-204 in the Water Department effective August 27, 2007 to be paid from Yorktown CSEA Salary Schedule A-1, Group 6, Step 1, which is \$41,849 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

SHADOW CREEK INDEMNIFICATION

AGREEMENT

RESOLUTION #311

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

RESOLVED, that the Town Board of the Town of Yorktown authorizes the Supervisor to sign a letter agreement concerning environmental indemnification and naming rights with Shadow Creek Associates for property donated to the Town of Yorktown.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

EMPRESS CONTRACT

Advanced Life Support Commission Chair John Dillion was present to discuss the renewal of the paramedic contract. He stated that Empress, EMS has provided the Town of Yorktown with exceptional service and feels that the town should continue its contract with them.

EXTEND EXISTING CONTRACT FOR ADVANCED LIFE SUPPORT

EMPRESS EMS

RESOLUTION #312

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

BE IT RESOLVED, that on the recommendation of the Advanced Life Support Board of Commissioners, the Yorktown Town Board authorizes an extension of the existing contract between Empress EMS and the Town of Yorktown Advanced Life Support District for an additional two years from January 1, 2008 through December 31, 2009 with all terms and conditions of the existing contract continuing for the term of extension except that the payment to Empress EMS will be increased by 3 % annually.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

NYS PROERTY TAX/HOME RULE
LAND USE BILL

Councilman Bianco was present to discuss with the Board two pieces of legislation being presented to the State Assembly. The Board decided to support the school legislation with a generic resolution but not the environmental legislation. Supervisor Cooper suggested working with the School Board on this issue.

CICERO WATER BILL

The Town Board discussed a request made by Mrs. Cicero to waive a penalty she received on her water bill. After a brief discussion, the Board decided not to waive this penalty.

TOWN OF SOMERS
GRANITE POINTE

The Board discussed a request from the Town of Somers that the Northern Westchester Joint Water Works (NWJWW) send a letter to NYC DEP Commissioner Lloyd asking the DEP to acquire the Granite Pointe property in order to protect the source of water that the City sells to the NWJWW. The Board agreed to support this by sending a letter to NYC DEP but the Town of Yorktown's request before the DEP will take priority.

CANCELLATION OF AUGUST 21, 2007
TOWN BOARD MEETING
RESOLUTION #313

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

RESOLVED, that the Town Board hereby cancels the Town Board Meeting scheduled for August 21, 2007.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted.

IBM PILOT PROGRAM

The Board discussed a request from the IBM T.J. Watson Research Center to extend their PILOT program. The Board decided to continue this discussion at a later date.

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT WITH ENG WONG AND TAUB PHILLIPS,
PREISS AND SHAPRIO & ASSOCIATES
RESOLUTION #314

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

Whereas, the Town Board has previously approved resolution dated June 19, 2007 authorizing and approving the retention on Eng Wong Taub & Associates (EWT) and Phillips Preiss Shapiro Associates, Inc. (PPSA) to provide professional traffic engineering services and planning services respectively in connection with the Board's creation of a Supplemental Generic Environmental Impact Statement (SGEIS) for the new Comprehensive Plan for the Town of Yorktown; and

Whereas, the Town Board authorized the project be funded from the General Fund Balance; and

Whereas, PPSA after reviewing the draft scope of the SGEIS, has revised its budget to \$45,000 as detailed in its memo of August 8, 2007, and

Whereas, the Board finds the estimate to be appropriate to the services PPSA is expected to render, now

Therefore Be It Resolved, the Town Board authorizes the budget increase for services rendered by PPSA to \$45,000, and that the Supervisor of the Town of Yorktown is authorized to sign an agreement with PPSA for said services.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AUTHORIZATION TO APPLY FOR THE 2007
JUSTICE COURT ASSISTANCE PROGRAM
RESOLUTION #315

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

RESOLVED, that the Supervisor is hereby authorized to sign the grant application for the New York State Justice Court Assistance Program.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

BID AWARD
BIODEGRADABLE LEAF SACKS
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESOLUTION #316

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

WHEREAS, bids were received on Monday, August 13, 2007 for furnishing and delivering 50,000 biodegradable leaf sacks to be used in the Town's Fall and Spring leaf pickups.

The bids are as follows:

		UNIT PRICE	TOTAL BID
1.	Dano Enterprises, Inc. P.O. Box 4470 Stamford, CT 06907	\$278.00/M	\$13,900.00
2.	Ace Bag & Burlap Co. 1601 Bronxdale Avenue PO Box 93 Bronx, New York 10462	\$297.75/M	\$14,887.50
3.	Studley Products, Inc. 903 Morrissey Drive Bloomington, IL 61701	\$340.00/M	\$17,000.00
4.	Bag To Earth 201 Richmond Blvd. Napanea, ON K7R3Z9	\$385.00/M	\$19,250.00

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of the Department of Environmental Conservation Patrick Lofaro, the bid

be awarded to, the lowest responsible bidder, Dano Enterprises, Inc., 76 Progress Drive, Stamford, CT 06902.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

ADVERTISE TO BID VARIOUS CHEMICALS
BID # 07-1 – WATER POLLUTION CONTROL PLANT
RESOLUTION #317

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Thursday, September 6, 2007, for Various Chemicals for the Yorktown Heights Sewage Treatment Plant, Bid #07-1.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

ADVERTISE TO BID SLUDGE & GREASE REMOVAL BID - #07-2 – WATER
POLLUTION CONTROL PLANT
RESOLUTION #318

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Thursday, September 6, 2007, for Sludge and Grease Removal at the Yorktown Heights Sewage Treatment Plant, Bid #07-2.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

PERFORMANCE BOND REDUCTION
HILLTOP HANOVER SUBDIVISION – HANOVER STREET
RESOLUTION #319

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

WHEREAS, John Sites, Jr., as applicant, provided the Town with U.S. Trust Company of New York, Assignment of Security #86375900, the amount of \$1,073,495.00, to serve as the Performance Bond for the Hilltop Hanover Subdivision, located on Croton Heights Road, and

WHEREAS, John Sites, Jr., as applicant, posted Check No.10362 in the amount of \$15,000.00, to serve as the Erosion Control Bond to ensure the completion of the public improvements associated with the Hilltop Hanover Subdivision, and

WHEREAS, John Sites, Jr., as applicant, received a Performance Bond reduction at the Town Board meeting of November 1, 2005, and

WHEREAS, John Sites, Jr., as applicant, recently requested another Performance Bond reduction for work completed at the Hilltop Hanover 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 \$1,073,495.00 Performance Bond can be reduced to a total of \$117,911.00, (\$1,073,495.00 - \$955,584.00), and

WHEREAS, the Acting Town Engineer has informed this Board by memorandum dated June 12, 2007, that said Performance Bond may be reduced to \$117,911.00 for the completion of outstanding Performance Bond items, NOW, THEREFORE BE IT

RESOLVED, the U.S. Trust Company of New York, Assignment of Security #86375900 Performance Bond, in the amount of \$1,073,495.00, is hereby reduced to \$117,911.00, and,

BE IT FURTHER RESOLVED, that the \$15,000.00 cash Erosion Control Bond will remain in full force and effect.

Cooper, Martorano, Campisi, Bianco, Metz Voting Aye
Resolution adopted

LANDSCAPE BOND RELEASE
JOE PRIORE – DANE STREET
RESOLUTION #320

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

WHEREAS, Joe Priore, as applicant, heretofore filed Landscape Bond #2330, in the amount of \$300.00, which was deposited into the T30 account on May 3, 2007, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2330, in the amount of \$300.00 be and are hereby released to Mr. Joseph Priore.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

LANDSCAPE BOND RELEASE
JOHN HUFNAGEL – GOMER STREET
RESOLUTION #321

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

WHEREAS, John Hufnagel, as applicant, heretofore filed Landscape Bond #2230, in the amount of \$300.00, which was deposited into the T30 account on June 12, 2003, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2230, in the amount of \$300.00 be and are hereby released to Mr. John Hufnagel.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

LANDSCAPE BOND RELEASE
ANTHONY SOLAZZO – STARLIGHT ROAD
RESOLUTION #322

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

WHEREAS, Anthony Solazzo, as applicant, heretofore filed Landscape Bond #2321, in the amount of \$300.00, which was deposited into the T30 account on September 18, 2006, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2321, in the amount of \$300.00 be and are hereby released to Mr. Anthony Solazzo.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

WETLANDS BOND PERMIT RELEASE
DIPAOLLO – WP – 118-04
CRANBERRY LANE
RESOLUTION #323

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

WHEREAS, Steven Dipaolo, as applicant, heretofore filed Platte River Insurance Company Bond #41007208, in the amount of \$4,000.00, to serve as the Erosion Control Bond for Wetland Permit #WP-118-04, for work performed at his Cranberry Lane 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 \$4,000.00 bond for erosion control may be released,

NOW THEREFORE BE IT RESOLVED, that the above-described Erosion Control Bond in the amount of \$4,000.00, be and is hereby released to Mr. Steven Dipaolo.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN
REVISED TITLE C SNAP AGREEMENT WITH WESTCHESTER COUNTY
RESOLUTION #324

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

Resolved, that the Town Supervisor is authorized to sign revised agreements with Westchester County for Title 111-C and SNAP which reflect a one time Equipment Funding in the amount of \$19,000. This money is earmarked for a two door freezer, steam kettle with installation and a steam table.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

SUNCREST SEWER DISTRICT
APPLICATION TO THE STATE COMPTROLLER
RESOLUTION #325

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

WHEREAS, after proceedings were duly had and taken the Town Board of the Town of Yorktown, Westchester County, New York, has duly approved establishment of the Suncrest Sewer District and the construction of the improvements therefore, subject to State Comptroller's approval; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The application to the State Comptroller's Office attached hereto as Exhibit A has been prepared at the direction of the Town Board and the Board believes the contents of the application to be accurate.

Section 2. The Town Board has determined that the improvements for the proposed District are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof and that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the boundaries of the District.

Section 3. This resolution takes effect immediately.

The question of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Linda G. Cooper	VOTING	AYE
Councilman James J. Martorano	VOTING	AYE
Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE

The resolution was thereupon declared duly adopted.

AUTHORIZE SUPERVISOR TO ENTER INTO CONTRACT OF
SALE OF A PORTION OF M. ROBERT AND JANE MOSS PROPERTY
563 UNDERHILL AVENUE
RESOLUTION #326

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

RESOLVED, that the Town Board members, acting as in their capacity as Commissioners of the Town of Yorktown Consolidated Water District #1, authorize the Town Supervisor to enter into a contract of sale with M. Robert and Jane Moss of 563 Underhill Avenue, Yorktown Heights for the purchase of a certain 4 ACRE (+-) parcel of land on Underhill Avenue, being a portion of that larger parcel more particularly described as Section 48.05 Block1 Lot 31 on the Tax Map of the Town of Yorktown, as

depicted on a certain drawing entitled "Moss Property - Proposed Donation" which is attached hereto. The purchase price is \$50,000. This sale is subject to confirmation of marketable title by a reputable title insurance company licensed to do business in New York State.

RESOLVED, that the Town/Water District purchase of said parcel is conditioned upon M. Robert and Jane Moss placing a restrictive covenant upon the remainder of Section 48.05 Block 1 Lot 31 and Section 48.06 Block 1 Lot 10, which are to be combined by lot line adjustment, which shall prohibit any future further subdivision.

RESOLVED, that the Town/Water District shall place a conservation easement along the southerly portion of the parcel to be acquired, said easement to begin at or about the 690' topo line and continue southerly to the southerly boundary line of the acquired parcel.

RESOLVED, that the Town Board further authorizes the Town Supervisor to pay expenses customarily associated with the purchase of property, including title search fees, recording fees, and 50% of the costs of obtaining a survey, provided that the Town's share of the survey cost shall not exceed \$1,500..

RESOLVED, that the subject property will become part of consolidated Water district #1.

RESOLVED, that this resolution supersedes Resolution #281 adopted July 17, 2007.

Cooper, Martorano, Bianco, Campisi Voting Aye
Metz Recused
Resolution adopted

EXECUTIVE SESSION

Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to discuss personnel.

Councilman Bianco moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the Work Session.

AMEND VEHICLE USE POLICY

FIRE MASHALS'

RESOLUTION #327

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

RESOLVED, that the Town Vehicle Use Policy, adopted by the Town Board as Resolution 258 on July 3, 2007, is hereby amended to provide that the Town Fire Marshals are added to the list of Town employees authorized to take Town vehicles home; provided, however, that the Fire Marshals' use of Town vehicles remains subject to the conditions and restrictions set forth in Resolution 258 and further provided that the Fire Marshals shall not use the Town vehicles for travel to and from any job or employment other than for the Town.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown