

Work Session held by the Town Board, Town of Yorktown on January 22, 2008. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present:

Donald S. Peters, Supervisor
Matthew P. Metz, Deputy Supervisor
James J. Martorano, Councilman
Nicholas J. Bianco, Councilman
Louis J. Campisi, Councilman
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to meet with Labor Counsel.

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

WORK SESSION

Supervisor Donald S. Peters called the meeting to order. Town Attorney Kevin Sweeny was also present.

LOCKWOOD ESTATES – REQUEST FOR CLUSTERING AUTHORIZATION

Mr. Albert Capellini, Attorney for the Applicant and Dan Ciarcia, Engineer for the applicant, appeared before the town Board as did a member of the Town Board of the Town of Cortlandt.

The discussion concerned a road leading from the applicant's property in Yorktown into the applicant's property in the Town of Cortlandt. The Board discussed they could recommend that the Planning Board create a cul-de-sac in the area. Councilman Bianco's concern was that prior to recommending whether the Planning Board consider clustering, he would like the applicant to present a Draft Environmental Statement to the Board. This is apparently the procedure followed by the Town of Cortlandt.

The Town Board has decided to place this on their next agenda for a decision.

FRANCESE WETLANDS PERMIT

Mr. Albert Capellini, Attorney for the Applicant, and Beth Evans, Engineer for the applicant appeared before the Town Board.

Ms. Evans explained that the NYC Department of Environmental Protection has signed off on their latest plan. The Conservation Board has also recommended approval of the wetlands application.

The Town Board placed this application on the next agenda for a decision.

COURTESY CAR WASH

Mr. Albert Capellini, Attorney for the applicant appeared before the Town Board on this application.

Town Clerk Alice Roker explained that the applicant has submitted an application for an additional sign and canopy which were not on the original site plan.

The Town Board placed this application on the next agenda for advertising of a public hearing.

DEC ESTUARY GRANT

Assistant Planner Lorraine DeSisto asked the Town Board if it wished to follow through with this grant. The New York State Department of Environmental Conservation will pay approximately \$30,000 to have a bio diversity study performed on the entire town. The Town's cost is approximately \$30,000.

Councilman Martorano stated that he believes it should be done. Councilman Metz questioned the need for spending this money if it hadn't been done when the Town did its Comprehensive Plan.

The Town Board asked Mrs. DeSisto to speak to the Town Comptroller in the morning and find out if this was possible. If we have the money, the Board will approve the study.

WOODLANDS LEGACY BALLFIELD WETLANDS PERMIT

Mr. Ron Tetelman, an Engineer with Eberlin & Eberlin and Highway Superintendent Eric DiBartolo provided the Town Board with an overview of this project.

Councilman Bianco asked what would be done to mitigate the loss of a wetlands?

Mr. Tetelman stated that the Town would not be losing a wetlands because once everything is in place, the fragmyties would return. The Highway Superintendent suggested doing some nearby planting.

SET PUBLIC HEARING

WOODLANDS LEGACY BALLFIELD WETLANDS PERMIT RESOLUTION#47

Upon motion made by Councilman Campisi, seconded by councilman Metz,

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, New York on the 19th day of February, 2008 at 7:30 o'clock PM to consider the application of Eberlin & Eberlin for a Wetlands Permit to construct a new asphalt driveway, curbing, guardrail, catch basins, drain pipes and storm drains at the Woodlands Legacy Ballfields located on Route 132, Yorktown Heights, NY 10598.

A copy of said proposal 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.

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

WATER DEPARTMENT UPDATE

Highway Superintendent DiBartolo gave an update on his four months at the Water Department. He is attempting to resolve several issues including gaining the capability of reading the level of water in each of our water tanks. Mr. DiBartolo also explained his bid for Communications/Data Collection for the Water Department. He

also told the Board why they may hear from the owners of Glassbury Court whom he says tried to circumvent the law by getting water permits prior to paying for them.

ADVERTISE BID
COMMUNICATIONS AND DATA COLLECTION BID
WATER DEPARTMENT
RESOLUTION #48

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on February 7, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the Communications System and data Collection Bid for the Town of Yorktown Water District..

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the 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 the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Communication Systems & Data Collection Bid for the Yorkton Water District.**

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of

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

ADVERTISE BID
CLEANING, PREPPING AND PAINTING OF THREE (3) POOLS
JUNIOR LAKE MEMORIAL PARK
RESOLUTION #49

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on January 31st, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the Three Pools @ Junior Lake Memorial Park. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the 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 the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Three Pools @ Junior Lake Memorial Park.**

The Alice Roker, Town Clerk and the Town Board reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID
SANDBLASTING, CLEANING, PREPPING AND PAINTING OF THREE (3) POOLS
BRIAN J. SLAVIN AQUATIC FACILITY
RESOLUTION #50

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on January 31st, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the Three Pools @ Brian J. Slavin Aquatic Facility. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the 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 the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Three Pools @ Brian J. Slavin Aquatic Facility.”**

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

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

AWARD BID
SENIOR BUSES – PARKS AND RECREATION DEPARTMENT
RESOLUTION#51

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

WHEREAS, invitation to bid on transportation for Yorktown Senior Recreation programs by the Parks & Recreation Department, was duly advertised, and

WHEREAS, said bids were received and opened on the 15th day of January, 2008 and are structured in three sections. The three (3) separate sections are: Section I - School Buses, Section II - Coach Buses for Senior Organization Trips, Section III - Coach Buses Extended Trips for Seniors. Bid results are as follows:

Section I-School Buses:

1. Hudson Valley Bus Company	\$ 905.00
2. Baumann & Sons Buses, Inc.	\$ 960.00
3. Chappaqua/Dutchess Transportation	NO BID
4. JTR Transportation	NO BID
5. J & R Tours	NO BID
6. Leprechaun Lines	NO BID
7. Coach Tours	NO BID

Section II - Coach Buses Senior Organizations:

Trips 1-20

1. Hudson Valley Bus Company	\$ 13,660
2. Chappaqua/Dutchess Transportation (not a complete bid)	\$ 14,130
3. Coach Tours (not a complete bid)	\$ 15,963
4. JTR Transportation	\$ 17,104
5. J & R Tours	\$ 18,350
6. Leprechaun Lines	\$ 19,812

7. Baumann and Sons Buses, Inc. \$ 28,965

Section III - Coach Buses Extended Trips for Seniors.

1. Hudson Valley Bus Company \$ 12,700
2. Chappaqua/Dutchess Transportation \$ 13,534
3. JTR Transportation \$ 15,885
4. Leprechaun Lines \$ 16,427
5. Coach Tours \$ 18,036
6. J & R Tours \$ 18,800
7. Baumann and Sons Buses, Inc. \$ 19,650

Resolved, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board hereby awards the bid for Senior Bus Trips as follows:

Section I -School Buses Hudson Valley Bus Company
Section II - Coach Buses Senior Trips 1-20 Hudson Valley Bus Company
Section III - Coach Buses Extended Trips Hudson Valley Bus Company

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

AWARD BID

ALARM SYSTEM –YCCC BUILDING
RESOLUTION#52

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

WHEREAS, invitation to bid for an Alarm System at the Yorktown Community Cultural Center Building by the Director of Labor Operations was duly advertised, and

WHEREAS, said bid was received and opened on the 22nd day of January 2008 with the bid amount for the above-referenced project and is summarized as follows:

Marshall Alarm Systems, Inc. \$34,000.00

RESOLVED, that the bid for Alarm System be and is hereby awarded to Marshall Alarm Systems, Inc., the sole bidder.

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

EXECUTIVE SESSION

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

Councilman Campisi moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the work session.

APPOINTMENT – HEAVY MOTOR EQUIPMENT OPERATOR
DAVID NIKISHER – HIGHWAY DEPARTMENT
RESOLUTION#53

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

BE IT RESOLVED, that David Nikisher is hereby appointed Heavy Motor Equipment Operator/Maintenance Mechanic Welder in the Highway Department effective February 5, 2008, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 5 which is \$65,920 annually.

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

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

APPOINTMENT – MOTOR EQUIPMENT OPERATOR/TREE TRIMMER
WILLIAM NEHMZOW – HIGHWAY DEPARTMENT
RESOLUTION#54

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

BE IT RESOLVED, that William Nehmzow is hereby appointed Motor Equipment Operator/Tree Trimmer in the Highway Department effective February 5, 2008, to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$50,224 annually.

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

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

APPOINTMENT – ASSISTANT BUILDING INSPECTOR
JOSEPH A. VENITUCCI – BUILDING DEPARTMENT
RESOLUTION#55

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

BE IT RESOLVED, that Joseph A. Venitucci of Danbury, Connecticut is hereby accepted as a transfer to Assistant Building Inspector in the Yorktown Building Department effective February 19, 2008 to be paid at the rate established in the Yorktown CSEA Salary Schedule A-1, Group 16, Step 5, which is \$82,462 annually.

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

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

GML SECTION 207-C
HARRY MACKAY – POLICE OFFICER
RESOLUTION#56

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

WHEREAS, Police Officer Harry Mackay claims to have sustained a June 20, 2007 re-injury of a back injury that was originally sustained off-duty two (2) weeks earlier, and such re-injury ultimately caused him to be unable to work from June 23, 2007 through June 26, 2007; and

WHEREAS, Officer Mackay claims to have sustained this re-injury in the performance of his duties on June 20, 2007; and

WHEREAS, by written request on or about July 7, 2007, Officer Mackay requested that he be granted General Municipal Law (“GML”) Section 207-c status for this re-injury on June 20, 2007, which resulted in four (4) days of missed work (June 23,

2007 through June 26, 2007);

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby denies Officer Mackay's request for GML Section 207-c status for four (4) days of missed work (June 23, 2007 through June 26, 2007) related to his claimed June 20, 2007 re-injury, on the grounds that there is not sufficient medical evidence to conclude that his injuries were incurred in the performance of his duties, and authorizes the Town Supervisor to advise Officer Mackay thereof.

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

GML SECTION 207-C
DETECTIVE GEORGE DAVIS – POLICE OFFICER
RESOLUTION#57

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

WHEREAS, Detective George Davis claims to have sustained "further injury to an existing hernia" on January 12, 2006 that ultimately caused him to be unable to work from April 24, 2007 – May 31, 2007; and

WHEREAS, Detective Davis connected this lost time in April and May of 2007 to the "further injury" he alleges to have incurred in the performance of his duties on January 12, 2006; and

WHEREAS, by written request on or about February 21, 2007, Detective Davis requested that he be granted General Municipal Law ("GML") Section 207-c status for this "further injury" to an existing hernia on January 12, 2006, which resulted in 26 days of missed work (April 24, 2007 – May 31, 2007);

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby denies Detective Davis' request for GML Section 207-c status for 26 days of missed work (April 24, 2007 – May 31, 2007) related to his claimed "further injury" to an existing hernia on January 12, 2006, on the grounds that there is not sufficient medical evidence to conclude that his injuries were incurred in the performance of his duties, and authorizes the Town Supervisor to advise Detective Davis thereof.

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

GML SECTION 207-C
LAWRENCE PANICCIA – POLICE OFFICER
RESOLUTION#58

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

WHEREAS, Police Officer Lawrence Paniccia has requested GML Section 207-c status for injuries sustained in the performance of his duties on May 22, 2007; and

WHEREAS, Officer Paniccia did sustain injuries requiring medical attention on May 22, 2007, but did not miss any work as a result of this May 22, 2007 incident;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Paniccia's request for GML Section 207-c status with regard to any and all medical treatment and hospital care necessitated by his May 22, 2007 injury, but denies as moot Officer Paniccia's request with regard to any work days lost to injury from the May 22, 2007, and authorizes the Town Supervisor to advise Officer Paniccia thereof.

Peters, Metz, Martorano, Bianco, Campisi Voting Aye

Resolution adopted

GML SECTION 207-C
PETER MILLS – POLICE OFFICER
RESOLUTION#59

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

WHEREAS, Police Officer Peter Mills was injured in the performance of his duties on January 17, 2007; and

WHEREAS, Officer Mills subsequently requested that he be granted GML Section 207-c status for three (3) days of missed work (January 18, 2007; January 21, 2007; January 22, 2007) related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Mills' request for GML Section 207-c status for three (3) days of missed work (January 18, 2007; January 21, 2007; January 22, 2007) related to his injuries, and authorizes the Town Supervisor to advise Officer Mills thereof.

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

GML SECTION 207-C
CHRISTOPHER O'ROURKE – POLICE OFFICER
RESOLUTION#60

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

WHEREAS, Police Officer Christopher O'Rourke has requested GML Section 207-c status for injuries sustained in the performance of his duties on May 10, 2007; and

WHEREAS, Officer O'Rourke did sustain injuries requiring medical attention on May 10, 2007, but did not miss any work as a result of this May 10, 2007 incident;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer O'Rourke's request for GML Section 207-c status with regard to any and all medical treatment and hospital care necessitated by his May 10, 2007 injury, but denies as moot Officer O'Rourke's request with regard to any work days lost to injury from the May 10, 2007 incident, and authorizes the Town Supervisor to advise Officer O'Rourke thereof.

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

GML SECTION 207-C
JASON SWART – POLICE OFFICER
RESOLUTION#61

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on January 13, 2006; and

WHEREAS, Officer Swart previously received GML Section 207-c status for three (3) days of missed work (January 15, 2006, January 17, 2006 and January 18, 2006) related to his injuries; and

WHEREAS, Officer Swart subsequently requested that he be granted GML Section 207-c status for one (1) additional day of missed work (January 31, 2006) related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for one (1) additional day of missed work (January 31, 2006) related to his injuries, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

GML SECTION 207-C
JASON SWART – POLICE OFFICER
RESOLUTION#62

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on May 7, 2007; and

WHEREAS, Officer Swart subsequently requested that he be granted GML Section 207-c status for three (3) days of missed work (May 8, 2007; May 9, 2007; May 11, 2007) related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for three (3) days of missed work (May 8, 2007; May 9, 2007; May 11, 2007) related to his injuries, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

GML SECTION 207-C
JASON SWART – POLICE OFFICER
RESOLUTION#63

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

WHEREAS, Police Officer Jason Swart was injured in the performance of his duties on August 3, 2007; and

WHEREAS, Officer Swart subsequently requested that he be granted GML Section 207-c status for two (2) days of missed work (August 6, 2007 and August 7, 2007) related to his injuries;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby grants Officer Swart's request for GML Section 207-c status for two (2) days of missed work (August 6, 2007 and August 7, 2007) related to his injuries, and authorizes the Town Supervisor to advise Officer Swart thereof.

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

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown