

Regular meeting held by the Town Board,
Town of Yorktown on March 6, 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

Absent:

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss Personnel.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present at the 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 THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace stated that Bulk Trash pick up begins next week. Everyone should have been mailed a postcard with the schedule. On March 11, 2012, the Alliance for Safe Kids (ASK) will be sponsoring a Save A Life Event at the YCCC between 3 PM and 6 PM. Supervisor Grace stated that he traveled to Albany with Councilman Murphy to discuss the Route 202 corridor with the NYS Department of Transportation Officials. Supervisor Grace announced that the next Community Affairs meeting will take place at the Copper Beech Middle School on March 22, 2012 at 7 PM.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that he was asked a question at the last Town Board meeting and the answer is that seven out of forty-five tax installment agreements are in default.

ACCEPT RESIGNATION

PARKS AND RECREATION SUPERINTENDENT JENNIFER FAVA

The Town Board accepted with regret the resignation from Parks and Recreation Superintendent Jennifer Fava.

APOINTMENT PARKS AND RECREATION SUPERINTENDENT

BRIAN GRAY

RESOLUTION #82

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

RESOLVED, that Brian H. Gray, is hereby appointed Superintendent of Recreation, job class code 0260-01, from Eligible List No. 75-426, in the Parks and Recreation Department, effective March 12th, 2012, to be paid \$89,000.00 annually, and

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 March 12, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

Parks and Recreation Superintendent Brian Gray thanked the Town Board for his appointment.

APOINTMENT PARKS AND RECREATION ASSISTANT SUPERINTENDENT
TODD ORLOWSKI
RESOLUTION #83

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

RESOLVED, that Todd D. Orłowski, is hereby appointed Assistant Superintendent of Recreation, job class code 0261-01, from Eligible List No. 65-265 in the Parks and Recreation Department, effective March 12th, 2012, to be paid \$85,433.00 annually, and

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 March 12, 2012.

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

Parks and Recreation Assistant Superintendent Todd Orłowski thanked the Town Board for his appointment.

DISCOUNTED POOL PASSES PROGRAM FOR
VOLUNTEER EMERGENCY SERVICE PERSONNEL
RESOLUTION #84

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

Whereas, the dedication of our residents who are Volunteer Emergency Personnel serving is evident as they readily respond night and day to calls for assistance, and

Whereas, Volunteer Emergency Personnel should be commended for their selflessness, bravery and courage that they provide our community, now therefore be it,

Resolved, that the Town Board in conjunction with the Yorktown Parks and Recreation Commission authorize a discount Pool Pass Program for Volunteer Emergency Personnel who are residents of the Town of Yorktown.

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

Councilman Paganelli read the following statement with regards to Volunteer Emergency Service Personnel who are residents of the Town of Yorktown:

The Yorktown Town Board, Parks and Recreation Commission Liaison Councilman David Paganelli and the Parks and Recreation Commission are pleased to announce a discount Pool Pass Program for all residents who serve as Volunteer Emergency Service Personnel. This includes Volunteer Firefighters, Volunteer Ambulance Corps Members, Volunteer Junior Corp Members and Volunteer Auxiliary Police Officers.

This program has been established to give back to those who protect and serve our community and risk their lives at any hour of the day or night. We must never forget the selflessness, bravery and courage that our Volunteer Emergency Service personnel provide this community.

This discount will be offered to active and eligible volunteer members of Volunteer Emergency Services who reside in the Town of Yorktown. The rates will be \$100 for a Family Pass and \$50 for a Single Pass.

Councilman Paganelli stated that he supports this endeavor and is proud that we are looking for ways to benefit our Emergency Service Volunteers. We want to show that we are

thankful for all that they do for this community. These men and women provide selfless, hard work and dedication to our Town.

The Parks and Recreation Commission encourage our volunteers and their families to take advantage of this program. For more information contact the Parks and Recreation Department at 914-245-4650.

COURTESY OF THE FLOOR

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

Mr. Bob Giordano, from the Christopher Columbus Society announced their annual pizza contest.

Ms. Rhoda Sussman from the Jefferson Village Senior Club wanted to have clarification about the use of the senior vans to take senior club members on four luncheons already set up for this year.

Councilman Bianco stated that this issue was resolved.

Supervisor Grace stated that it would be worked out.

Mr. David Goldberg and Mr. Joe Bonanno of J&J Backflow stated that they had concerns with how the town does backflow testing. Mr. Bonanno feels it is unethical for the Water Department to send out letters to businesses that need their backflows tested and offer to do the work for them.

Supervisor Grace stated that he spoke with Water Distribution Superintendent David Rambo and they will be looking at the fees to see if they are accurate. He also stated that they will be looking at all the fees to see if they are reasonable.

Mr. Scott Woodard from Meadows Farm and Mr. Randy Pratt from Wilken's Fruit Farm stated that they were concerned with the idea of a Farmer's Market coming to town. They believe this will hurt local farmers. They explained that there is a very small window for farmers to make money which is only eighteen days long. Mr. Robert Stuart from Stuart's Farm stated that many of the vendors that participate in these farmer's markets are truckers and purchase produce in vast quantities to sell.

Supervisor Grace stated that the idea of a farmer's market came out of the Community Affairs meeting as a way to help local non-profit organizations and to promote local businesses.

Councilman Murphy stated that it was not the intention of the town to hurt local farmers but promote a sense of community back into the town.

Mr. Fred Gulitz asked why the town would not want to rebid the bid for auto body work on town cars and truck instead of extending the bid contract for another year.

Supervisor Grace said he would look into the issue.

Highway Superintendent Eric DiBartolo stated that he was asked to take over the responsibility of this bid after the retirement of Mr. Patrick Lofaro. It is not unusual for town bids to have extension options in them.

Mr. Tim O'Connell, Westchester Mountain Bike Association spoke about the trail system and its growth throughout the Town of Yorktown. He asked if the Town Board could have an old barn located on the Granite Knolls Property demolish as it is dangerous.

Supervisor Grace stated he would do a site visit to the barn.

Highway Superintendent Eric DiBartolo stated that he is working on the Granite Knolls practice fields and can put more parking into the upper section by the field.

Supervisor Grace stated that he would like Mr. Tim O'Connell to come to a work session to discuss this issue further.

Councilman Bianco stated that the town has been trying to work some of the churches in the area to see if they want the religious statues that are in the barn.

Mr. Chris Sciarra stated that there were two event signs that were knocked down during storms and he is in the process of fixing them. He is donating his time to repair them and put them back up.

COURTESY OF THE FLOOR IS CLOSED

PROPOSED LOCAL LAW AMENDING CHAPTER 300-196B OF THE CODE OF THE TOWN OF YORKTOWN RELATING TO TEMPORARY CERTIFICATES OF OCCUPANCY

Supervisor Grace convened a public hearing to consider a proposed local law amending Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article XXI, "Administration and Enforcement," by amending 300-196B relating to temporary certificates of occupancy. Affidavits of Publication and Posting were presented by the Town Clerk.

Mrs. Susan Siegel spoke in opposition of this proposed local law. A copy of her comments is on file in the Town Clerk's office.

Supervisor Grace stated that these are difficult times and we need to help businesses not hurt them. He does not feel that any Town Board will issue a TCO if there are safety concerns. No ones safety will be compromised. He stated that we need to help businesses generate income to stay in business and this will assist in doing that.

Councilman Paganelli stated that he is in favor of this proposed local law and would never compromise public safety.

Councilman Murphy added that when there are delays in opening a business it is just another obstacle for the owner.

Councilman Bianco stated that he feels that the 90 Day Temporary Certificate of Occupancy is enough time and agreed that public safety could be an issue.

Supervisor Grace stated that the proposed language in the law is sufficient.

Councilman Bianco stated that he is concerned with the Town Board being given discretion in issuing TCO's because he feels it could become political.

Councilman Paganelli reiterated that a TCO would not be permitted if there are any public safety issues pending.

Mr. Ed Ciffone wanted to know if St. George's Winery has paid its taxes.

Supervisor Grace stated that the property assessment was changed due to the TCO being issued.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Murphy motioned, seconded by Councilman Bianco.

LOCAL LAW #2 of 2012 LOCAL LAW AMENDING CHAPTER 300-196B OF THE CODE OF THE TOWN OF YORKTOWN RELATING TO TEMPORARY CERTIFICATES OF OCCUPANCY RESOLUTION #85

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

WHEREAS a public hearing was held on the 6th day of March, 2012 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article XXI, "Administration and Enforcement," by amending 300-196B relating to temporary certificates of occupancy, now therefore be it

RESOLVED that Local Law #2/2012 as annexed hereto, 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	Nay
Councilman Murphy	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #2/2012 was thereupon declared adopted.

AWARD BID

ROLL OFF CONTAINERS FOR THE HOLLAND SPORTING CLUB

RESOLUTION #86

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

WHEREAS, invitation to bid for roll-off waste containers for a demolition job at the former Holland Sporting Club, Mohegan Lake, NY was duly advertised, and

WHEREAS, said bids were received and opened on the 27th day of February, 2012 with the bid amounts for the above-referenced project and are summarized as follows:

Price Per Container	Price Per Ton	Total Bid	
Affordable Enterprises of Westchester.			
Cortandt Manor, NY			
	\$ 225.00	\$ 65.00	\$ 31,750.00
Frontline Waste Management			
d/b/a Competition Carting			
Yorktown Heights, NY			
	\$ No Bid	\$ 95.00	\$ 33,250.00
CRP Sanitation, Inc.			
Cortlandt Manor, NY			
	\$ 110.00	\$ 75.00	\$ 30,650.00
ATNM Corporation			
Briarcliff Manor, NY			
	\$ 150.00	\$ 80.00	\$ 34,000.00
AAA Carting			
Cortlandt, NY			
	\$ No Bid	\$ 95.00	\$ 33,250.00
Suburban Carting			
Briarcliff Manor, NY			
	\$ 200.00	\$ 89.00	\$ 39,150.00

RESOLVED, that the lowest bidder, CRP Sanitation, Inc. will be awarded the bid for roll-off waste containers

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

AWARD BID
ATHLETIC EQUIPMENT AND GAMES
PARKS AND RECREATION DEPARTMENT
RESOLUTION #87

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

WHEREAS, invitation to bid for Athletic Equipment & Games for use by the Parks & Recreation Dept., was duly advertised, and

WHEREAS, said bids were received and opened on the 29th day of February, 2012, now therefore be it

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the low bidder for all items, as listed on the attached summary of bid **except** for the following:

-SOFTBALLS: Riddell and Anaconda Sports did not provide specific make and model as requested. Recommend third lowest bidder ARC Sports for providing exactly as specified item, Dudley SB-12 LNDFFP.

BSN/Sports Supply did not provide specific make and model as requested. Item provided does not have synthetic cover equal to Pro 9 Softball. Recommend second lowest bidder ARC Sports.

-MOVEABLE PITCHING RUBBER and ground sleeves – Recommend rejecting all bids for this item due to insufficient number of bids provided on this item.

-DOUBLE FIRST BASE- Anaconda Sports item does not include ground anchor system for ground mounting equal to specifications. Recommend second lowest bidder BSN/Sports Supply.

SOFT TOUCH Tapered Plugs: Ananconda Sports item is not tapered plug equal to GPLGS required for in-ground mount with base fitting over it. Recommend second lowest bidder ARC Sports.

SOFT TOUCH Heavy Duty Drag Plugs: BSN Sports Supply item is light weight foam plug (AYP) not equal to heavy duty drag plug requested. Recommend second lowest bidder ARC Sports.

MEGA PHONES: Cannon Sports item is 600 Watt maximum not equal to 1,000 watt specification outlined in bid. Recommend second lowest bidder BSN/ Sports Supply.

SPECTRUM 16” equal to S & S #W8190: Flaghouse item is a beach ball not equal to S & S item #W8190 as specified in bid. Recommend second lowest bidder S & S Worldwide.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis.

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

REFERRAL PROPOSED LOCAL LAW RELATING TO THE OB ZONING DISTRICT
RESOLUTION #88

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

WHEREAS, a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," to add helistops as an accessory use in OB districts subject to certain standards; and granting to the Town Board approval authority over development in OB districts be referred out, now, therefore, be it

RESOLVED, that said request will be forwarded to the following agencies and departments for their review and recommendation to be received by the Town Clerk by April 9, 2012:

Assessor
Building Department
Environmental Consultant
Highway Department
Town Engineer
Town Attorney
Yorktown Planning Dept./Planning Board
Westchester County Planning Board
Yorktown Police Department
Yorktown Heights Fire District

And be it,

FURTHER RESOLVED that a copy of the proposed local law is on file in the office of the Town Clerk where the same may be inspected during regular office hours.

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

EXTEND THE AGREEMENT WITH CARY VIGILANTE FOR BROADCASTING SERVICES
RESOLUTION #89

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

Per the discussion held at the Town Board Work Session on February 28, 2012, the Supervisor is hereby authorized to extend the services of Cary Vigilante for broadcasting services for a period of one year, retroactive to January 1, 2012, at a rate of \$500 per month.

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

AUCTION 4 POLICE VEHICLES

The Town Board decided to postpone this issue until the next Town Board meeting.

AUTHORIZE THE POLICE CHIEF TO RESERVE TWO SPOTS IN THE ORANGE COUNTY POLICE ACADEMY CLASS BEGINNING MARCH 26, 2012
RESOLUTION #90

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

Whereas, the next Westchester County Police Academy training class does not commence until August, 2012, and

Whereas, it is the intent to hire two new police candidates expeditiously, now,

Be It Resolved, the Police Chief is hereby authorized to reserve two spots in the Orange County Police Academy class beginning on March 26, 2012. The town shall incur a cost per candidate of \$2,000, for a total expense of \$4,000.

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

EXTEND BID FOR BODY WORK ON TOWN CARS

The Town Board decided to hold off on awarding this bid until it was reviewed further.

EXTEND BODY WORK ON TOWN TRUCKS

The Town Board decided to hold off on awarding this bid until it was reviewed further.

SECTION 8 WAITING LIST

RESOLUTION #91

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

RESOLVED, that the Town Board authorizes and directs the Section 8 Housing Choice Voucher Program to close its waiting list effective on March 13, 2012. All applications received or postmarked on or before 5 pm March 13 will be accepted.

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

EXTEND BID FOR CONCESSION STANDS AT JUNIOR LAKE AND BRIAN J. SLAVIN AQUATIC FACILITY

RESOLUTION #92

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

WHEREAS, the bid for the Operation of Food and Refreshment Concession Yorktown Town Pools at Shrub Oak and Junior Lake was awarded on March 1, 2011 for the 2011 season to Costa Foods, Inc, and

WHEREAS, the contract agreement with Costa Foods, Inc provides the License may be renewed for up to three additional one-year terms, and

WHEREAS, the Superintendent of Parks and Recreation recommends to renew the contract with Costa Foods, Inc for the first additional one-year term for the 2012 pool season

NOW, THEREFORE BE IT RESOLVED, that the operation of food and refreshment concession services at the Brian J Slavin Aquatic Center in Shrub Oak and the Junior Lake Pool in Yorktown Heights be awarded to Costa Foods, Inc. of 11 Lincoln Avenue, Rye Brook, NY 10573 for the amount of \$7,850.00 for the 2012 pool season.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH INGRID O’SULLIVAN, ESQ., TO SERVE AS TOWN PROSECUTOR
RESOLUTION #93

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement between the Town and Ingrid O’Sullivan, Esq., to serve as town prosecutor from April 1, 2012 through December 31, 2012 under the same terms as set forth in the 2012 January – March agreement between the parties.

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

RETIREMENT – JUSTICE COURT

The Town Board accepted the retirement of JoAnn McCallister from the Justice Court with thanks for all her years of service to the Town.

REFUND DUPLICATE TAXES
ACCOUNT # 4452032, 2475670
RESOLUTION #94

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
2011 Sch 22	48.11-2-45	4452032	\$4,141.31
2011 Sch 22	27.10-1-89	2475670	\$6,400.79

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.

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

MONTHLY REPORTS

Building Department – February – Construction Report
Receiver of Taxes

COURTESY OF THE FLOOR

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

Mr. Ed Ciffone asked if a realtor has been hired to sell off the Bernstein property and when the sale takes place will the proceeds from the sale of the Bernstein Property go to the Museum.

Supervisor Grace stated that this was reported incorrectly. No one has been hired to sell the property.

Mr. Gil Kaufmann stated that something should be done about the bikers who are making safety problems for people using the fields.

COURTESY OF THE FLOOR IS CLOSED

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown