

Work Session held by the Town Board, Town of Yorktown on September 26, 2012, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Absent:

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss Personnel for John C. Hart Memorial Library, Contract Negotiations, and Outside Auditors.

WORK SESSION

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

YCCC RATES

Executive Assistant Mary Capoccia stated that YCCC Office Manager Patricia DeMarsh was unable to be present tonight and asked her to give the Town Board her recommendations to raise the rental fees by three (3) percent this year for the tenants at the Yorktown Community Cultural Center (YCCC).

Supervisor Grace stated that raising the rates by three (3) percent may be too high of an increase and lead to tenants leaving. He noted that due to the economic times he has had to lower the rental rates in his building.

Councilman Paganelli asked if anyone knew the rental rates that are being charged by the Yorktown School District for the French Hill School.

The consensus of the Town Board was to increase the YCCC rental rates by three (3) percent for next year.

Supervisor Grace stated that there is a drop in revenue for the Town pools usage and this could be because of an increase in fees.

Councilman Paganelli noted that there is a revenue loss this year but the Recreation Commission will be looking into ways to increase this by possibly offering non resident passes next year.

Councilman Bianco stated that he knows non residents that would pay to come and use the town pools.

SANCTUARY GOLF COURSE

Mr. Al Capellini, attorney for the applicant was present to discuss with the Town Board a request to amend the Sanctuary Golf Course Special Use Permit. Mr. Sung stated that all of the amended plans have been reviewed by the advisory committees and they have adjusted the plans to reflect those comments. The Town Board agreed to advertise this request to amend the Special Use Permit at the October 2, 2012 Town Board meeting and hold a public hearing on October 16, 2012.

GREENWOOD STREET BRIDGE AND SPARKLE LAKE DAM

Acting Town Engineer Sharon Robinson stated that a budget transfer would be needed so that she can continue two projects. The project will cost \$34,400 and there is only \$10,000 left in the special project budget line.

Supervisor Grace stated that an Article 78 could be done after the study is complete on this project which could potentially remove the dam from the Hazardous Dam List.

Acting Town Engineer Sharon Robinson stated that WSP Sells had completed preliminary plans for the Greenwood Street Bridge repair and the New York State Department of Environmental Conservation modified the plans and this required the Town to change direction in the work aspect of the project. Now, test borings, sheeting and easements will need to be done and this will increase the cost of the project.

Acting Town Engineer Sharon Robinson and Sewer Maintenance Worker Martin McGannon discussed with the Town Board the need to purchase two new trucks for the Sewer Department. She explained that this morning another truck had been deemed unsafe. The bid for two trucks came in and she recommends going with the second lowest bidder because they met the bid specifications and the lowest bidder did not. The cost would be \$58,880 and she has the money in her budget lines. She requested a budget transfer be approved by the Town Board.

Acting Town Engineer Sharon Robinson stated that there was an issue with the Elevator Maintenance Bid and she is requesting that the Town Board reject and rebid the project. She explained that the insurance umbrella amount was high and most companies could not meet the specifications, she would like to lower the insurance umbrella to be two (2) million dollars.

BOND ANTICIPATION NOTES

Ms. Denise Farrell, Financial Advisor from Environmental Capital was present to discuss with the Town Board financial planning. She made some suggestions that would allow the Town to convert some of its Bond Anticipation Notes to get lower interest rates. A copy of her report is on file in the Town Clerk's office. The cost charged by Ms. Farrell's company to convert the BANS was approximately \$17,500.

Deputy Town Comptroller Patricia Caporale was present for this discussion.

Supervisor Grace explained that the infrastructure projects that are needed throughout the Town will cost about six million dollars and bonding these projects at the current low rates may be beneficial to the Town. He stated that this can also help with bond ratings and part of what is looked at is the Town's Commercial tax base.

Ms. Farrell explained that many things affect a Town's bond rating when applying for bonding.

Supervisor Grace noted that there is a very small difference between a double A rating and a triple A rating and it may not be beneficial for the Town to up its bond rating at this time.

Ms. Farrell stated that the Town could split the infrastructure projects in to separate bonds.

Supervisor Grace stated that infrastructure projects should be bonded as Capital Projects. He also noted that the two (2) percent tax cap will have an impact on which projects can be funded.

Councilman Bianco stated that he would like to review the information that has been provided before making a decision.

WATER METER PROJECT

Water Distribution Superintendent David Rambo stated that he had received six complaints with regards to high water bills. He feels that the cause of the discrepancies is because of the difference in reading the new meters and the old meters. He suggested amending the billing procedure until the project is complete. Superintendent David Rambo also discussed the water meter bid.

J&J SCOOPS ICE CREAM SIDEWALK CAFÉ PERMIT RESOLUTION #427

Whereas, Justin Fagan is the owner of Scoops Ice Cream Store located at 1811 Commerce Street.

Whereas, on 9/10/12 Building Inspector John Winter informed Justin Fagan the Sidewalk Café he was operating was on town Property.

Whereas, Yorktown Zoning code 300-80 B-1 allows the Building Inspector to issue permits for sidewalk cafes on privately owned properties.

Resolved, the Building inspector is allowed to issue a sidewalk cafe permit to Justin Fagan on Town owned property per the regulations 300-80 B-1 as if the property were privately owned.

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

MICROFICHE

Building Inspector John Winter asked the Town Board to let him microfiche the Building Department records that are currently being stored in boxes in his office.

Supervisor Grace stated that the Town should be looking at digitizing its records and advancing its technology.

Councilman Paganelli stated that Building Inspector John Winter has been waiting several months to get these records microfiche and there is a need to move forward on this issue.

Deputy Town Comptroller Patricia Caporale suggested contacting Hudson Valley Bidding and see if they have a bid for microfiche that the Town can use.

Supervisor Grace stated that he will get a RFP together for digitizing these documents. It is an advantage to the Town to move forward with newer technology.

YCCC GENERATOR AND TRANSFER SWITCH

Supervisor Grace stated that the emergency generators should be bonded as Capital Projects.

Councilman Patel stated that the YCCC is a regional emergency shelter and needs to have a generator. This was already approved to have the money taken out of the general fund.

Mr. Mike Dubovsky, P&M Electric and Mr. Dan Ciarcia, local engineer where present for this discussion. The Town Board decided on the size and placement of the two generators. One generator will be placed at Town Hall and the other at the YCCC.

Mr. Michael Dubovsky stated that he had a conversation with Con Edison and they agreed to run a natural gas line up to Town Hall if the Town replaces the current heating system with a natural gas system.

Councilman Paganelli stated that the Town should not postpone replacing the transfer switch as it is dangerous.

The Town Board agreed to move forward with the project.

Councilman Bianco stated that the Phoenix House located on Stoney Street has offered its facility to the Town during emergency situations.

ELEVATOR BID

Acting Town Engineer Sharon Robinson was present to discuss with the Town Board the Elevator Maintenance Bid. She explained that the bid will have to be rejected and rebid due to the insurance requirement in the bid specifications. The new bid documents will lower the insurance requirement to two million dollars in umbrella coverage.

TOWN BOARD AGENDA OCTOBER 2, 2012

The Town Board discussed the October 2, 2012 Town Board meeting agenda which will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 7:30 P.M.

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO USA TPA, INC. POMCO CHANGING EFFECTIVE DATE
RESOLUTION #428

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an amendment to Assignment Agreement dated September 14, 2012, among USA TPA, Inc., POMCO, Inc. and the Town, changing the effective date of said Assignment Agreement to October 1, 2012.

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

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH ALL COUNTY CONTRACTING, NY TO FURNISH MATERIAL AND LABOR AT GRANITE KNOLLS FIELDS

RESOLUTION #429

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

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with All County Contracting NY, Inc to furnish material and labor to remove stumps, roots, re-grade, fine rake and level and seed field at the Granite Knolls Fields to be taken out of the Granite Knolls Ball Fields Capital Project fund in the amount of \$6,200.00. Subject to approval by the Town Attorney.

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

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss Town Comptroller Position.

TOWN COMPTROLLER JOAN GOLDBERG ACCUMULATED UNUSED VACATION TIME PAYOUT
RESOLUTION #430

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

WHEREAS, the Town Board has learned that, on or about September 11, 2012, then-Town Comptroller Joan Goldberg issued a payment of funds to herself, the gross amount of which was in the amount of \$76,959.63 (the "Accumulated Unused Vacation Time Payment"); and

WHEREAS, Town Board Resolution #289 of May 18, 1993 expressly stated that town department heads were granted the same employee benefits as the CSEA contract provides to employees covered by the CSEA contract; and

WHEREAS, a search of the records of the Town Clerk has found no other resolutions since then that would materially change the legal effect of Resolution #289 (1993) such as would grant department heads a greater right to accumulate unused vacation time than that afforded CSEA employees; and

WHEREAS, in consideration of the foregoing, and upon the advice of legal counsel, the majority of the Town Board members have concluded that Ms. Goldberg was not entitled to issue or receive the Accumulated Unused Vacation Time Payment, and that the Accumulated Unused Vacation Time Payment constitutes a conversion of the Town's funds; and

WHEREAS, the amount of unused vacation time which Ms. Goldberg has remaining to her account, as of her last day of town employment on September 21, 2012, is three days (21 hours), the cash value of which, as per routine practice and policy of the Town Finance Department, will be included in Ms. Goldberg's final paycheck to be issued at the end of this week without waiver of the Town Board's right to demand and recover the Accumulated Unused Vacation Time Payment;

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Attorney to send a letter to Ms. Goldberg's counsel by certified mail, return receipt requested, demanding the return of the Accumulated Unused Vacation Time Payment within one business day, and be it further

RESOLVED, that if Ms. Goldberg does not return the funds so taken within one business day, the Town Attorney has the authority to take any and all legal actions to recover the aforesaid funds.

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

AUTHORIZE SUPERVISOR TO SET HIS SIGNATURE UPON TOWN CHECKS USING A DEVICE TO PRODUCE A FACSIMILE – TOWN LAW SECTION 29 (3)
RESOLUTION #431

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

WHEREAS, Town Law § 29(3) provides that a town board may, by resolution duly adopted, authorize the use of device to produce a facsimile of a supervisor's signature upon a check; now therefore be it

RESOLVED, that the Town Board authorizes the Supervisor to set his signature upon town checks using a device to produce a facsimile thereof, providing the claim has been audited and allowed by the Town Comptroller, unless such audit is not required by law prior the Supervisor signing the check.

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

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH CHASE BANK TO PROVIDE FOR DEPOSIT OF PERIODIC PAYROLL – TOWN LAW (3)
RESOLUTION #432

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

WHEREAS, the Town approved JP Morgan Chase ("Chase Bank") as one of its depositories in the organizational resolution dated January 3, 2012; now therefore be it

RESOLVED, that pursuant to Town Law § 29(3), the Town Board authorizes the Supervisor to sign a contract with Chase to provide for the deposit of the periodic payroll of the Town in Chase Bank for disbursement by it in accordance with provisions of § 96-b of the Banking Law.

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

AUTHORIZE REQUEST FOR PROPOSALS (RFP) TO PERFORM A FORENSIC AUDIT OF EMPLOYEE BENEFITS AND COMPENSATION
RESOLUTION #433

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

RESOLVED, that the Town Board authorizes the issuance of a request for proposals to seek the services of an auditing firm to perform a forensic audit of employee benefits and compensation.

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

AUTHORIZE REQUEST FOR PROPOSALS TO SEEK THE SERVICES OF AN AUDITING FIR TO PERFORM A FORENSIC AUDIT OF THE TOWN'S FINANCES
RESOLUTION #434

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

RESOLVED, that the Town Board authorizes the issuance of a request for proposals to seek the services of an auditing firm to perform a forensic audit of the Town's finances.

Grace, Murphy, Patel
Bianco, Paganelli
Resolution adopted.

Voting Aye
Voting Nay

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown