

Regular meeting held by the Town Board,
On November 20, 2012, held at the Town Hall, 363 Underhill Avenue,
Yorktown Heights, NY 10598

Present: Michael J. Grace, Supervisor
Terrence Murphy, Councilman
Nicholas Bianco, Councilman
Vishnu Patel, Councilman
David Paganelli, Councilman
Alice E. Roker, Town Clerk

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster and Deputy Town Comptroller Patricia Caporale along with a member of her staff, Sandra Serrano were also present at the meeting.

BUDGET REVIEW

The Town Board completed its review of the 2013 Tentative Budget.

Supervisor Grace offered Proposed Changes to the 2013 Tentative Budget, a copy of which is attached to these minutes and labeled Exhibit 1. The changes total \$925,000.

The Town Board discussed the proposed changes with Councilman Bianco objecting to raising the administrative fee from five (5%) percent to seven (7%) percent on Special Districts which includes the Refuse District and the Water District. What you are doing is taking money from the Special Districts to offset the increase in the General Fund.

Supervisor Grace defended the change stating that administrative costs have gone up over the past ten years, but this fee hasn't. As the Budget changes, so should this fee. Supervisor Grace further also spoke about the explained the amount of work that is being done in Town Hall on behalf of the Special Districts.

Councilman Bianco offered a compromise of 6%.

Supervisor Grace also spoke about proposed raises to department heads and elected officials. The salary proposal is attached to these minutes and labeled Exhibit 2.

Discussion on the raises with some Board Members questioning whether elected officials should receive pay raises during these difficult financial times.

The Town Clerk disagreed stating that it has been years since she received a raise and questioned why this was a problem. Is it because of politics?

PROPOSED CHANGES TO THE 2013 TENTATIVE BUDGET

RESOLUTION #517

Upon Motion by Supervisor Grace, seconded by Councilman Bianco

RESOLVED, the administrative fees are increased by 6%, in accordance with Exhibit 3A. and,

BE IT FURTHER RESOLVED, the other changes proposed by Supervisor Grace in Exhibit 1 are also approved.

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

BUDGET – SALARY CHANGES

RESOLUTION #518

Upon Motion by Supervisor Grace, seconded by Councilman Bianco,

RESOLVED, Supervisor Grace's Proposed Salary Changes, Exhibit 2 is hereby adopted.

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

Councilman Patel asked that a printer and scanner be purchased for the Planning Department

Supervisor Grace stated that there is money in the IT line for those purchases.

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.

REPORT FROM SUPERVISOR MICHAEL GRACE

Supervisor Grace explained that the Town Board started this meeting at 5:00PM and has now come up with a 2013 Preliminary Budget.

Supervisor Grace explained how the 2013 Budget will affect Town residents.

Town Tax bill for typical resident with Town Utilities:

| | |
|---|----------|
| 2013 Typical Assessment Tax Bill with utilities | 2,379.01 |
| 2012 Typical Assessment Tax Bill with utilities | 2,459.18 |
| % Change | -3.26 |

Town Tax bill for typical resident without Town Utilities:

| | |
|---|----------|
| 2013 Typical Assessment Tax Bill with utilities | 1,885.33 |
| 2012 Typical Assessment Tax Bill with utilities | 1,889.34 |
| % Change | -0.21 |

Supervisor Grace explained that the overall tax levy for 2013 is less than the levy

Supervisor Grace stated that this is the first televised Town Board Meeting since Super Hurricane Sandy. He spoke about the Emergency Management Plan that went into effect. The Town of Yorktown performed incredibly well. He spoke about the Emergency Operation Center which was housed in Town Hall. Daniel McMahon, the Yorktown Police Chief, Larry Eidelman, in charge of Emergency Management Services for the Police Department, Highway Superintendent Eric DiBartolo, representatives of Con Ed and the two fire companies were in the Emergency Operation Center for approximately 18 hours each day of the crisis. Supervisor Grace stated that during this time, many people performed exemplary. Members of the Town Board handed out Certificates of appreciation to the following people:

Certificates of Appreciation:

Cary Vigilante, Geoff Wheeler, and Thomas Sciangula made sure that information was getting out via social media and in some instances television because not everyone lost power.

Bill Talbert is a man who came in to volunteer to help, on the first day of the storm. Mr. Talbert was a member of the Emergency Management Team in New York City. He holds a CDL License which allowed us to send him for dry ice.

James Waterhouse, the Animal Control Officer provided an invaluable service of making sure residents were okay after the Emergency Operations Center received calls from their relatives.

Mr. Michael Dubovsky in addition to the duties he perform as our Environmental Officer, he is a licensed electrician and proved to be invaluable to the residents of the Town including one building in Jefferson Village.

Mr. Mark Drexel and Michael DeFreitas who are both Yorktown residents were also in the Operations Center for the crisis. They work for Con Edision

Mr. Donald Blair, from NYSEG worked with the Town to get the business district and the Beaver Ridge Senior Complex on line. Mr. Tim Karsky, another representative of NYSEG came into the Command Center on a daily basis.

Police Officer Eidelman handed out Certificates of Appreciation to the following people who are members of the CERT (Civilian Emergency Response Team) who ran our shelter at the Yorktown Community and Cultural Center where more than one thousand people were served.

Supervisor Grace handed out certificates to the staff of the Nutrition Center; Noreen Driscoll, Kim Lopez and Terrence DeVeau and Sal Amuso, a resident who volunteered to work with the staff of the Nutrition Center.

Supervisor Grace stated that while the following employees were doing the jobs they are paid to do, we appreciate that many of them left their homes, many of which had no power to work at the shelter or in Town Hall.

Steve Vitulli, Keith Kutruff, Thomas Federmack, Michael Hoy, Kieran Carney and Danny Cruz.

Supervisor Grace also expressed his appreciation to Anne Anderson as well as the entire staff of the Highway Department. He also expressed his appreciation to the work done by the Highway Superintendent.

Highway Superintendent Eric DiBartolo thanked Supervisor Grace for acknowledging the work of his team.

REPORTS FROM TOWN BOARD MEMBERS

Councilman Murphy congratulated the members of the Lakeland School District's Girls Field Hockey Team on their recent win.

Councilman Patel thanked the hundreds of people who helped neighbors after Hurricane Sandy.

Councilman Paganelli also expressed his gratitude to everyone who volunteered to help after Storm Sandy devastated parts of our Town. He also spoke about the upcoming Holiday Light Parade which is scheduled to take place on Saturday, December 1, 2012. He also thanked Officer Eidelman for the great job he did in training the CERT Team and setting up the Shelter at the YCCC.

ADVERTISE BID FOR TRANSFER SWITCH TO BE LOCATED IN TOWN HALL RESOLUTION #519

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for a Transfer Switch to be located in Town Hall.

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

AWARD BID FOR ELECTRICAL WORK ON TOWN BUILDINGS RESOLUTION # 520

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

WHEREAS, invitation to bid for the Electrical Work on Town Buildings for Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 8, 2012, with the bid amounts for the above-referenced project summarized as follows:

Yorktown Electric \$111.00 \$161.00 \$210.00(Sunday/Holiday)
Michael Dubovsky \$100.00 \$150.00 \$200.00(Sunday/Holiday)
Delta Electric, Inc. \$119.00 \$163.00 \$199.00 (Sunday)/ \$163.00 (Holiday)
LK Equities, LTD. \$125.00 \$190.000 \$250.00(Sunday/Holiday)

RESOLVED, that upon the recommendation of the Building Maintenance/Human Resource Specialist, Margaret Gspurning, the bid for the Electrical Work on Town Buildings for Maintenance be and is hereby awarded to Michael Dubovsky, the lowest responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on November 14, 2012, through November 13, 2013 with an option for two additional one-year extensions upon its original terms and conditions.

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

AWARD BID FOR WELDING
RESOLUTION #521

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

WHEREAS, invitation to bid for the Welding Supplies and Equipment Parts for the Town of Yorktown was duly advertised and mailed to the following 4 (four) companies

| | |
|------------------------------------|-------------------------------------|
| Airgas East, Inc Greenwich, Ct. | Shaw Welding Carmel, NY |
| All Weld Greenburg, NY | Tech Air Wappinger Falls, NY and |

WHEREAS, a single bid was received and opened on November 13, 2012; the bidder, Airgas East, Inc. located in Greenwich, CT. A copy of their pricing list is attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Welding Supplies and Equipment Parts be and is hereby awarded to Airgas East, Inc. 259 N. Radnor-Chester Rd, Radnor, Pa. 19087. And

BE IT FURTHER RESOLVED, that the contract is to begin on November 20, 2012 and terminate on November 19, 2013.

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

EXTEND THE BID FOR STONE, GRAVEL AND CONCRETE MATERIALS
RESOLUTION #522

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

RESOLVED, that the Stone, Gravel and Concrete Materials Bid for the Town of Yorktown is hereby extended for one year, per the terms of the bid. The dates of the extension will be January 1, 2013 to December 31, 2013.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE A COLLECTIVE
BARGAINING AGREEMENT WITH THE SUPERIOR OFFICERS ASSOCIATION (SOA)
RESOLUTION # 523

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

BE IT RESOLVED that the Memorandum of Agreement between the Town of Yorktown and the Superior Officers Association (SOA) dated October 29, 2012 is hereby ratified and approved and the Town Board approves the funding for such Agreement; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a Collective Bargaining Agreement for the period from January 1, 2010 through December 31, 2014 that is consistent with the terms of the Memorandum of Agreement.

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

AUTHORIZE THE SUPERVISOR TO SIGN A UTILITY EASEMENT AGREEMENT AT
"FOX DEN ESTATES" WITH BROWN
RESOLUTION #525

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

WHEREAS, Karen Brown, the owner of a parcel located at 2325 Jordan Drive in the subdivision called "Fox Den Estates," tax map number 36.09-1-17, has offered the Town of Yorktown a utility easement to include a portion of the drainage system installed by the developer of her subdivision upon her parcel, for which a wetlands permit approval had previously been granted; and

WHEREAS, a survey and description reflecting the perimeters of the Utility Easement have been prepared and submitted as a schedule attached to the easement; be it

HEREBY RESOLVED, that by order of this Board, the Supervisor is authorized and directed to sign the Easement Agreement and accept it on behalf of the town of Yorktown

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

AUTHORIZE THE SUPERVISOR TO SIGN A UTILITY EASEMENT AGREEMENT AT
"FOX DEN ESTATES" WITH BENFANTE
RESOLUTION #526

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

WHEREAS, Joy Benfante and James Benfante, the owners of a parcel located at 1532 Jacob Road in the subdivision called "Fox Den Estates," tax map number 36.09-1-14, has offered the Town of Yorktown a utility easement to include a portion of the drainage system installed by the developer of her subdivision upon her parcel, for which a wetlands permit approval had previously been granted; and

WHEREAS, a survey and description reflecting the perimeters of the Utility Easement have been prepared and submitted as a schedule attached to the easement; be it

HEREBY RESOLVED, that by order of this Board, the Supervisor is authorized and directed to sign the Easement Agreement and accept it on behalf of the town of Yorktown

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

AUTHORIZE THE SUPERVISOR TO SIGN A UTILITY EASEMENT AGREEMENT AT
"FOX DEN ESTATES" WITH ROSENBLAT
RESOLUTION #527

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

WHEREAS, Francoise Rosenblat and Ronnie Rosenblat, the owners of a parcel located at 2195 Oscar Court in the subdivision called "Fox Den Estates," tax map number 36.09-1-19, has offered the Town of Yorktown a utility easement to include a portion of the drainage system installed by the developer of her subdivision upon her parcel, for which a wetlands permit approval had previously been granted; and

WHEREAS, a survey and description reflecting the perimeters of the Utility Easement have been prepared and submitted as a schedule attached to the easement; be it

HEREBY RESOLVED, that by order of this Board, the Supervisor is authorized and directed to sign the Easement Agreement and accept it on behalf of the town of Yorktown

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

AUTHORIZE THE SUPERVISOR TO SIGN A LICENSE AGREEMENT WITH (YVAC) FOR THE STORAGE OF A FLY CAR FOR ADVANCED LIFE SUPPORT SERVICES
RESOLUTION #528

Upon motion made by Councilman Bianco, seconded by Councilman Murphy

RESOLVED, the Supervisor is to authorized to sign a license agreement with the Yorktown Volunteer Ambulance Corp. (YVAC) for the storage of a fly car for advanced life support services

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

AUTHORIZE THE SUPERVISOR TO SIGN A MAINTENANCE AGREEMENT WITH BUSINESS ELECTRONICS
RESOLUTION # 529

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

RESOLVED, that the Town Supervisor is authorized to sign a maintenance agreement with BUSINESS ELECTRONICS, INC. for servicing the Yorktown Police Department's voice recorder equipment for the period December 1, 2012 through November 30, 2013. The annual contract amount is \$1,940.00.

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

AUTHORIZE THE SUPERVISOR TO ENGAGE JACOBS CIVIL CONSULTANTS FOR THE PURPOSE OF ANALYZING TRAFFIC IMPACTS OF THE COMMERCIAL SITE PLAN KNOWN AS FAITH BIBLE CHURCH
RESOLUTION #530

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

WHEREAS, The Town Board has of the Town of Yorktown desires to study the traffic impact of the proposed site plan known as Faith Bible Church, as it relates to the Route 202/35/6 BMP Sustainable Development Study; and

WHEREAS, Jacobs Civil Consultants, Inc., a planning and traffic consultant firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on March 22, 2012; and

WHEREAS, Jacobs Civil Consultants, Inc. has submitted a proposal to provide the traffic analysis for the site plan pursuant to said on-call agreement for an amount not to exceed \$4,200.00 for the traffic analysis; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Jacobs Civil Consultants, Inc. under the on-call agreement between them and the Town of Yorktown for the purpose of analyzing the traffic impacts of the commercial site plan know as Faith Bible Church, in an amount not to exceed \$4,200.00 for the traffic analysis, and that the total cost shall be reimbursed by the applicant as part of the cost review.

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

AUTHORIZE THE SUPERVISOR TO APPLY FOR THE BROWNFIELDS AREA-WIDE PLANNING GRANT
RESOLUTION #531

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

WHEREAS, the Town of Yorktown Town Board authorizes the Planning Department to apply to the U.S. Department of Environmental Protection for the **Brownfields Area-Wide** Planning Grant: Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements for the Redevelopment of the Front Street Area. and,

WHEREAS, the US EPA is providing assistance to communities to facilitate community involvement in developing an area-wide plan for brownfields assessment, cleanup and subsequent reuse. and,

WHEREAS, the Town of Yorktown Town Board will file an application where no matching share is required, but may include in-kind and volunteer labor as needed, and,

UPON approval of said request, the Supervisor of the Town of Yorktown is authorized to enter into and execute a project agreement with the US Department of Environmental Protection for such financial assistance to the Town of Yorktown for the Redevelopment of the Front Street Area Project, and be it

RESOLVED, that the Town of Yorktown Town Board authorizes the Planning Department to apply to US Department of Environmental Protection for the Brownfields Area-Wide Planning Grant for the Redevelopment of the Front Street area

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

AMEND RESOLUTION #450 ADOPTED AT THE TOWN BOARD
MEETING OF OCTOBER 2, 2012 RELATING TO WATER METER DISCREPANCIES
RESOLUTION #532

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

WHEREAS, the Town Board of the Town of Yorktown adopted the following resolution at its meeting held on October 2, 2012:

“WHEREAS, The Water District is currently replacing forty and fifty year old water meters throughout the District;

WHEREAS, the District’s goal is to simplify the billing process and standardize all of the meters within the system;

WHEREAS, it has become necessary to amend the billing procedure on accounts only when consumption recorded from the old meter is in excess of 50,000 gallons difference to the external device;

THEREFORE, BE IT RESOLVED, the consumption reflected on the remote reading device will be recorded and calculated accordingly enabling the above amendment.”

NOW, THEREFORE BE IT RESOLVED, that the resolution is amended as follows:” the billing procedure on accounts only when consumption recorded from the old meter is in excess of 20,000 gallons difference to the external device. and,

BE IT FURTHER RESOLVED, the resolution is retroactive to October 2, 2012.

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

APPROVE OVERTIME FOR POLICE OFFICERS WORKING
AT THE HOLIDAY LIGHTS PARADE
RESOLUTION #533

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

Resolved, that the Town Board approves overtime for Police Officers who will be working at the Holiday Light Parade.

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

APPROVE BUDGET TRANSFER FOR THE
HIGHWAY DEPARTMENT
RESOLUTION # 534

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

Resolved, that the Town Board approves the following Budget Transfer:

| | |
|-----------|-----------|
| D5130.201 | - \$6,000 |
| D5130.425 | \$6,000 |

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

REFUND DUPLICATE TAXES – ACCOUNT #1756684
RESOLUTION #536

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 |
|--------------|------------|-----------|-----------|
| 2012 Sch 22 | 26.08-2-44 | 1756684 | \$ 140.63 |

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

DURING COURTESY OF THE FLOOR, the following residents addressed the members of the Town Board:

Mrs. Susan Siegel spoke a resolution on tonight's agenda which she says is the second request for a grant for the Front Street Project. To her knowledge, the Town Board has never held a formal discussion on this project. She asked if all of the members of the Town Board agree with the project.

Supervisor Grace responded that there will be a presentation on this proposal in the near future.

ADJOURN

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

Alice E. Roker, Town Clerk
Town of Yorktown