

Work Session held by the Town Board, Town of Yorktown on December 11, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Tardy: Nicholas J. Bianco, Councilman

WORK SESSION

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster, Acting Town Engineer Sharon Robinson, Deputy Comptroller Patricia Caporale, Planning Director John Tegeder were also present.

ETHICS BOARD

Mr. Richard Rubenstein, Ethics Board Chair was present along with Ms. Laurie Noonan, Ethics Board member to discuss with the Town Board reappointments to the Ethics Board and people who have not filed their Ethics Disclosure Statements. Mr. Rubenstein stated that there are about 16 people who are required by the Ethics Law to file an Ethics Disclosure Statement to the Town Clerk and have not done so. He would like to know how the Town Board would like to handle this situation.

Supervisor Grace stated that he finds the Ethics Law intrusive.

Ms. Noonan stated that the current Ethics Disclosure Form was created based on several different models that are used in other communities and New York State as well.

Councilman Paganelli stated that he has a problem with the sections that require disclosure of money that you owe and money that is owed to you.

Supervisor Grace noted that there are several provisions in the law that concern him.

Mr. Rubenstein stated that the Town can provide training sessions regarding the Ethics Law to Town employees at no cost to the Town. He also stated that they have a vacancy on the Ethics Board as Mr. Ira Foreman does not want to serve another term. Mr. Rubenstein asked to continue another term on the Ethics Board as his term expires this year.

Councilman Murphy suggested sending a letter to everyone that is not in compliance with the Ethics Law.

AUTHORIZE TOWN ATTORNEY TO SEND LETTER TO ALL PEOPLE WHO HAVE NOT FILED THEIR ETHICS DISCLOSURE STATEMENTS RESOLUTION #563

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

Not given to Town Clerk by Town Attorney

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

OUTSIDE AUDITORS RFP

Deputy Town Comptroller Patricia Caporale was present to discuss with the Town Board the RFP's received for Outside Auditor Services. She stated that the Town received four proposals:

O'Connor Davies -	\$55,000, if done after May 1, 2013
	\$65,000, if done before May 2013

Toski and Company	\$49,900
Bollam, Sheedy, Torani and Company	\$45,500 for 2012 \$46,500 for 2013 \$47,500 for 2014
The Bonadio Group	\$25,000 for 2012 \$26,000 for 2013 \$26,750 for 2014

The Town Board decided to bring in three of the firms and conduct interviews.

Deputy Town Comptroller Patricia Caporale stated that she wanted to know if these companies will be conducting their work at Town Hall or will they ask for information to be provided to them via fax and email. If it is the latter, she is concerned that this will cause an undue burden on her staff.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli, the Town Board moved into Executive Session to discuss with Sole Assessor Kim Penner a personnel issue in the Assessor's office.

On Advice of Counsel, The Town Board met with Town Attorney Jeannette Koster

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli, the Town Board came out of Executive Session and continued with the Town Board Work Session.

PROPOSED LOCAL LAW AMENDING CHAPTER 300-75 TO ADD SELF-STORAGE WAREHOUSE OPERATION AS A PERMITTED SPECIAL USE IN A C-1 COMMERCIAL SHOPPING CENTER DISTRICT

Planning Director John Tegeder was present to discuss with the Town Board a proposed Local Law amending Chapter 300-75 to add a self-storage Warehouse Operation as a permitted use in a C-1 Commercial Shopping District. He explained that he had some textural changes that will be taken care of during the Public hearing.

PROPOSED LOCAL LAW AMENDING PARKING AND OFF-STREET LOADING ZONE REQUIREMENTS IN COMMERCIAL DISTRICTS AND COMMERCIAL REGIONAL CENTER SPECIAL DISTRICT

Planning Director John Tegeder was present to discuss with the Town Board a proposed Local Law amending parking and off-street loading zone requirements in commercial districts and commercial regional center special district.

Councilman Bianco stated that shopping is different today then in the past. There is more online shopping being done and less parking is needed.

Planning Director John Tegeder stated that the Planning Board has requested additional information from the Jefferson Valley Mall and they are awaiting that information before commenting on the proposed local law.

REQUEST TO BE INCLUDED IN HUNTERBROOK AND PEEKSKILL SEWER DISTRICT ROSARIO AND CHIARO MACRI

Acting Town Engineer Sharon Robinson was present to discuss with the Town Board a request from Rosario and Chiaro Macri to be put into the Hunterbrook and Peekskill Sewer District.

The Town Board agreed to place this issue on the next Town Board agenda.

CREATIVE LIVING DEVELOPMENT – NAVAJO FIELDS

Al Capellini, Esq. along with Steve Marino, consultant for applicant were present to discuss with the Town Board his client's request to amend his current site plan to install an inflatable dome along with some other changes.

Supervisor Grace stated that he has asked for a signed site plan from the applicant and has not yet received one.

Acting Town Engineer Sharon Robinson stated that this plan is not the same one that was submitted to her office. She also noted that stream crossings were put in.

Director of Planning John Tegeder stated that the dome may be considered a structure and need a Building Permit. If that is the case a review would be needed by the Planning Board because there may be changes to the parking.

Councilman Paganelli stated that he has a concern with a structure that is eight stories high, safety and visibility should be looked at carefully.

KELDERHOUSE PROPERTY LAND DONATION

The Town Board discussed a request for a land donation from Kelderhouse.

Councilman Paganelli stated that in a memo from the Advisory Committee on Open Space they state that there are some old structures on the site. He does not want to acquire another piece of property that may have buildings that the Town will end up being responsible for.

Councilman Murphy stated that he would like to do a site visit before making a decision on this property.

ADJUST WATER BILL INVOICE FOR ACCOUNT NUMBER 4108023054 - \$297.36 RESOLUTION #564

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

RESOLVED, that upon recommendation of the Water Distribution Superintendent, an adjusted invoice for account #4108023054 in the amount of \$297.36 be issued to Karen and Nicholas Stamatis for water consumption at 3054 Maqua Place, Mohegan Lake, NY 10547.

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

EXTEND BID FOR BI-ANNUAL PARKS & RECREATION BROCHURE RESOLUTION #565

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

RESOLVED, that the Town Board authorizes the extension of the Yorktown Department of Parks and Recreation Bi-Annual Brochure Bid, which was awarded to Graphic Image, Inc., 561 Boston Post Road, Milford, Ct. 06460, per the terms of the contract for one additional year, January 1, 2013 through December 31, 2013.

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

ADVERTISE BID FOR TOWN PUBLICATIONS & PRINTING PROJECTS FOR 2013 RESOLUTION #566

Upon motion made by Supervisor Grace, seconded by Councilman Bianco,

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, January 4, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Town Publications and Printing Projects for 2013.

All bids must be accompanied by an executed non-collusion bidding certificate. Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

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 at the time and the place specified above. The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

AWARD BID FOR COPIER MAINTENANCE AND SERVICES
EAGLE BUSINESS MACHINES, INC.
RESOLUTION #567

Upon motion made by Supervisor Grace, seconded by Councilman Bianco,

Whereas, the Town solicited bids for the service and maintenance of town-wide copy machines, and

Whereas, said bids were opened Friday, December 7, 2012, now,

Therefore, be it resolved, the Town Board hereby authorizes the Supervisor to contract with Eagle Business for copier service and maintenance (with the exception of the copier machine in the Planning Department (TASKalfa5500i DP) on a cost per copy basis pursuant to the bid received from Eagle Business. This contract will be in effect January 1, 2013 through December 31, 2013.

Also, be it resolved the Town Board hereby authorizes the Supervisor to contract with 21st Century Business Systems dba Advanced Copier Technology for copier service and maintenance for the copier in the Planning Department (TASKalfa 5500i DP). This contact will be in effect January 1, 2013 through December 31, 2013.

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

APPROVE CARRYOVER OF VACATION TIME
RESOLUTION #568

Upon motion made by Supervisor Grace, seconded by Councilman Bianco,

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry 2012 accrued vacation time for use in 2013, and

WHEREAS, the Deputy Comptroller has confirmed the available balances, now

THEREFORE BE IT RESOLVED, the following employees may carry the time balances next to their name:

Kathy Nicholson 21 hours (3 days)
Brian Gray 56 hours (8 days)

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

EXTEND CONTRACT WITH CARY VIGILANTE FOR CABLE SERVICES
RESOLUTION #569

Upon motion made by Supervisor Grace, seconded by Councilman Bianco,

RESOLVED, that the Town Board authorizes the Supervisor to extend the services of Cary Vigilante for cable services for the period January 1, 2013 to December 31, 2013 at a rate of \$500 per month.

Grace, Bianco, Murphy, Paganelli Voting Aye

Patel
Resolution adopted.

Voting Nay

APPROVE INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR
AAA TRANSPORTATION SERVICES PROGRAM TO SENIORS
RESOLUTION #570

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

RESOLVED, that the Town Supervisor is authorized to sign an intermunicipal agreement with Westchester County in which the Town agrees to provide transportation services to seniors in accordance with the terms of the New York State AAA Transportation Program, in exchange for a grant of funds from the County in the amount of \$2,860 to be used to defray the Town's costs for fuel, repairs and maintenance incurred in providing the services.

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

AUTHORIZE COMTROLLER TO PAY HAPPY SOFTWARE, INC. FOR A ONE YEAR
SOFTWARE LICENSE FOR SECTION 8 OFFICE
RESOLUTION #571

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

RESOLVED, that the Town Comptroller is authorized to pay Happy Software, Inc. for a one year software license and software support for computer software provided to the Section 8 Office, to cover the period from February 1, 2013 through January 31, 2014. The payment amount is \$3,930.00 as shown on the invoice(s) dated November 20, 2012. The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development ("HUD").

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

INCREASE IN GOODS AND SERVICES – ENVIRONMENTAL CONSERVATION
DEPARTMENT
RESOLUTION #572

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

RESOLVED, effective January 1, 2013, the Town Board approves an increase in the following goods and services offered by the Environmental Conservation Department, setting their rates as follows:

30-gallon Biodegradable Leaf Bags:	\$.40 each
14-gallon Recycling Bin:	\$ 6.00
18-gallon Recycling Bin:	\$ 8.00
“Special” Bulk Trash Collection:	\$ 40.00

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

AWARD BID FOR ULTRAVIOLET LAMP REPLACEMENT
FLEET PUMP & SERVICE, INC.
RESOLUTION #573

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

Bids were received today for the Ultraviolet Lamp Replacement for the Disinfection System for the Water Pollution Control Plant, Bid #12-10, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
-----------------------	----------------------

Mr. Buss stated that is fine and all vehicles will have GPS on them. He noted that the trucks will be placed somewhere in Yorktown but did not know the exact location. He also stated that 100 containers have been ordered.

Councilman Bianco asked why Mr. Buss came this evening instead of Mr. Amico.

Mr. Buss stated that he is the lawyer representing the company and they are in litigation.

Councilman Paganelli stated that Mr. Amico needs to have a working relationship with Kim Angliss-Gage. He noted that the Town Board has made this clear to Mr. Amico.

Councilman Paganelli asked what the nature of the relationship is between Competition and R & S Waste.

Mr. Buss stated that R & S Waste may have an equity position with Competition Carting and would be able to provide extra trucks, if needed. He stated that R & S Waste provided the financing to Mr. Amico.

Mrs. Kim Angliss-Gage stated that according to the Bid Specifications, this work cannot be subcontracted without prior approval from the Town Board.

Councilman Bianco asked what will be done if these timelines are not met.

Councilman Patel stated that he does not want Town employees picking up the garbage.

Councilman Murphy stated we have a performance bond and there are other options.

Councilman Bianco stated we could also go to the second lowest bidder.

Supervisor Grace stated that there are plenty of options.

Councilman Paganelli stated that a provisional plan should be in place.

Mrs. Kim Angliss-Gage stated that she has looked into renting trucks should the need arise, there may be a waiting list but they would have the manpower and vehicles to do the job. She noted that the Town did a commendable job during Hurricane Sandy.

Town Attorney Jeannette Koster stated that the Town may want to do a bid for standby packers and have it in place just in case it is necessary.

Supervisor Grace asked Mr. Buss to have Mr. Amico meet with Kim Angliss-Gage and work out the details.

Councilman Patel stated that Kim Angliss-Gage and Mr. Brian Amico must interact.

Councilman Bianco asked Kim Angliss-Gage to keep the Town Board updated.

ADJOURN

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

Diana L. Quast, Deputy Town Clerk
Town of Yorktown