

Meeting of the Town Board, Town of Yorktown held on December 8, 2015 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Greg Bernard, Councilman  
Susan Siegel, Councilwoman  
Thomas Diana, Councilman

Diana L. Quast, Deputy Town Clerk  
David Paganelli, Highway Superintendent  
Patricia Caporale, Town Comptroller  
Sandra Serrano, Finance Department  
All Department Heads

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss litigation.

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

EXTEND BID FOR ON CALL GRIT REMOVAL & DISPOSAL FOR THE WATER POLLUTION CONTROL PLANT RESOLUTION #459

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

WHEREAS, the Town Board at its meeting of December 16, 2014, awarded the bid for On Call Grit Removal & Disposal for the Water Pollution Control Plant, Bid #14-7, to Fred A. Cook, Jr., Inc., and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of two (2) years, NOW, THEREFORE, BE IT

RESOLVED, that the On Call Grit Removal & Disposal for the Water Pollution Control Plant, Bid #14-7, is hereby extended for a one year period (1/1/16-12/31/16).

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

RELEASE STORMWATER PERMIT #070-15 IN THE AMOUNT OF \$300.00 MASOUD SARVESTANI RESOLUTION #460

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

WHEREAS, Masoud Sarvestani, as applicant, posted \$300 cash which was deposited into the T33 account on August 24, 2015, covering Stormwater Permit #070-15, for work performed at the Chapman Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily

completed, and that the \$300.00 for wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released.

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

RELEASE STORMWATER PERMIT #016-14 IN THE AMOUNT OF \$500.00  
ANTHONY CELIO  
RESOLUTION #461

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

WHEREAS, Anthony Celio, as applicant, posted \$500 cash which was deposited into the T33 account on May 30, 2014, covering Stormwater Permit #016-14, for work performed at the Birdsall Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released.

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

AUTHORIZE REIMBURSEMENT FOR COSTS INCURRED BY MARGARET GSPURNING  
IN THE AMOUNT OF \$2,062.50  
RESOLUTION #462

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

WHEREAS, the Comptroller is hereby authorized to reimburse Margaret Gspurning for costs amounting to \$2,062.50 which were incurred while retaining legal counsel for her capacity of witness in an investigation conducted by the Office of the District Attorney of Westchester County.

Grace, Patel, Bernard, Diana Voting Aye  
Siegel Abstained  
Resolution adopted.

RELEASE RETAINAGE TO A-AMP ELECTRIC CORPORATION - ELECTRICAL WORK  
FOR EMERGENCY GENERATOR AT THE YCCC IN THE AMOUNT OF \$2,523.40  
RESOLUTION #463

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

WHEREAS, A-Amp Electric Corporation did the electrical work to connect the Emergency Generator at the Yorktown Community and Cultural Center under Capital Improvement Project #14-01, and

WHEREAS, the Capital Improvement Project was completed and the retainage withheld for one (1) year from the signing of Capital Improvement Project, NOW THEREFORE BE IT

RESOLVED, that the retainage in the amount of \$2,523.40 be released to A-AMP Electric Corporation, P.O. Box 386, Baldwin Place, NY 10505.

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

REJECT AND REBID UNMARKED VEHICLE PURCHASE – POLICE DEPARTMENT  
RESOLUTION #464

Upon motion made by Councilman Diana, seconded by Councilman Bernard,

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 22, 2015 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for *Police Department Unmarked Vehicle Purchase*. 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: Police Department Unmarked Vehicle Purchase.

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.

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

AUTHORIZE TOWN ATTORNEY TO PREPARE AND HAVE EXECUTED ALL DOCUMENTS FOR THE SALE OF AUCTIONED PROPERTIES  
RESOLUTION #465

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

WHEREAS, The Town of Yorktown is the owner of two (2) properties located at the addresses listed below that were acquired by tax lien foreclosure, and the Town has determined that said properties are not needed for Town use, and should therefore be sold; and

WHEREAS, a public auction was held on November 14, 2015 in Town Hall, 363 Underhill Avenue, Yorktown Heights, New York,;

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby accept the bids of the respective bidders listed below to purchase the said respective properties, in the amount listed next to each bidder's name; and be it further

RESOLVED, that the Town attorney is hereby authorized to prepare and have executed all documents necessary to effectuate the sale of the properties located at the addresses and Tax Map Numbers listed below, including bargain and sale deeds, subject to the following conditions:

The Town will convey each parcel subject to any and all conditions, restrictions, zoning, actions of Town and/or building inspectors, etc. affecting the said parcel or premises and to such facts as would be disclosed by a survey and inspection; the Town further will make no warranty or representation as to the condition, dimensions, location or physical existence of the property described herein, or to the marketability of its title, and the purchaser will assume all risk thereof.

Auction Parcel No.	Sec/block/lot	Street Address	Bid Price	Buyer
6	16.17-1-76	3324 Lookout Street	\$ 95,000.00	Aleksandr Tikhomirov
7	48.06-1-21	1829 French Hill Road	\$150,000.00	Michael O'Neill

Grace, Patel, Bernard, Siegel, Diana Voting Aye  
Resolution adopted.

2015 BUDGET HEARING

Supervisor Grace called to order a public hearing to consider the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1st, 2016. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace provided an overview of the budget process. He spoke about differences between the Tentative Budget and the Preliminary Budget and commended all of the department heads for their hard work.

Councilwoman Siegel announced that if anyone wanted to call into ask a question about the budget they can dial 962-5722, extension 216.

Councilman Patel thanked everyone for coming to the budget hearing.

Mr. Don Roberts stated that the Town needs a policy on how to deal with Fund Balances. He noted that the Town makes contributions to the athletic clubs and asked if the books for the clubs have been reviewed by the Town.

Supervisor Grace stated that this is his fourth budget and there continues to be better level of services with each one. Municipal financing is about projecting for the future. Budgeting is done every week not just once a year and every department in the Town has been asked to do more with less and he thanked the department heads for all their hard work.

Councilman Bernard stated that the Supervisor did a great job on the budget. Every department is understaffed and have done an excellent job working efficiently.

Supervisor Grace read questions received from Mr. Howard Frank. He stated that the Yorktown Stage tenant pays for all the repairs to the theatre and that the Town received more monies from FEMA than anticipated.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Bernard motioned, seconded by Councilman Diana.

ADOPT PRELIMINARY BUDGET AS ADOPTED BUDGET FOR FISCAL YEAR 2016  
RESOLUTION #466

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

WHEREAS, Supervisor Michael Grace, acting as Budget Officer, did on the 30<sup>th</sup> day of October, 2015 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2016, and

WHEREAS, a public hearing was called and duly held on the 8<sup>th</sup> day of December, 2015, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget and be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2016, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor	\$ 121,328.00
Councilman (4)	\$ 19,575.00
Town Clerk	\$ 96,677.00
Superintendent of Highways	\$ 110,777.00
Town Justices (2)	\$ 32,437.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll-call which resulted as follows:

Supervisor Michael Grace	Voting	Aye
Councilman Vishnu Patel	Voting	Nay
Councilman Greg Bernard	Voting	Aye
Councilwoman Susan Siegel	Voting	Nay
Councilman Thomas Diana	Voting	Aye

The resolution was thereupon declared duly adopted.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Bernard,  
The Town Board Meeting was adjourned.

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown