

Regular meeting held by the Town Board,
Town of Yorktown on October 18, 2011 held at
363 Underhill Avenue, Yorktown Heights, New York 10598

Present: Susan Siegel, Supervisor
Nicholas Bianco, Councilman
James Martorano, Councilman
Terrence Murphy, Councilman
Vishnu Patel, Councilman
Alice E. Roker, Town Clerk

TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

PLEDGE OF ALLEGIANCE

Joe Troia, Captain of the Yorktown Ambulance Corp's Youth Group and Michael Gonzalez, a Boy Scout with Troop 173 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.

Councilman Vishnu Patel asked the members of the Yorktown Volunteer Ambulance Corp's Youth Group to stand

Supervisor Siegel read the following Proclamation:

We join today to honor you for volunteering in your community,
for your exceptional service to the Yorktown Ambulance Corps
and making the Town of Yorktown proud
The Yorktown Town Board offers you their
hearty appreciation and congratulations!

Youth Group Captain Joe Troia, stated that they are trained in CPR and first aid. They work under the direction of a trained Emergency Medical Technician and/or paramedic for events such as the Grange Fair and Fireman's Carnival.

DURING REPORT FROM THE SUPERVISOR, Supervisor Siegel spoke about the following:

Phase I of the renovation of the Town Board Meeting Room is currently underway. We have installed a new state of the art audio video system. It will be paid for by fees from Cablevision and Verizon FIOS.

Thank you to the Chamber of Commerce and town personnel for the work they did at the Harvest Festival.

The Town of Yorktown received a \$1,000 grant from the New York State Department of Environmental Conservation to fund next year's Arbor Day Celebration.

There are openings on the Conservation Board and Ethics Board.

The Town Clerk was asked to explain changes the Board of Elections made in Election Districts and Polling Locations in the Town of Yorktown for the November elections

Supervisor Siegel continued with other announcements:

A discussion on the vandalism at the soccer field on Catherine Street. The Police Department has made a suggestion that large boulders be placed around the field to prevent ATV's from getting onto the field.

A correction of the misinformation that is circulating concerning an offer to donate land to the Town of Yorktown. Supervisor Siegel explained that someone made the offer to donate land to the Town. The Town Board referred the offer to the Conservation Board and Open Space Committee. The Board eventually decided not to accept the donation. This action by the Board, in no way puts the Yorktown Bike Path in jeopardy.

DURING REPORTS FROM THE TOWN COUNCIL,

Councilman Bianco wished Detective Colarusso the best of luck; he is retiring tonight. He suffered an injury in the line of duty and is going out on disability. Detective Colarusso will be missed. Councilman Bianco also stated that he voted to accept the property that was offered to the Town as open space. His job now is to try to get one of the three people who voted not to accept the property to change their mind.

Councilman Martorano echoed what had already been said about Detective Colarusso, he will be missed. Councilman Martorano also stated that it was his pleasure to represent the Town of Yorktown presenting a Proclamation to David Klaus who served the town for more than two years as a volunteer. Mr. Klaus stepped down from his role as Chairman of the Planning Board last year.

Councilman Murphy congratulated the Chamber of Commerce for their work on the third Annual Harvest Day Festival. More than 15,000 people attended the event. Councilman Murphy also wished Detective Colarusso the best in his retirement.

Councilman Patel spoke about the newly renovated Town Board Meeting Room. He said the Chamber's Harvest Festival was a wonderful event. The Councilman represented the Town at the last Westchester Municipal Official meeting where the major subject was the 2% tax cap.

Supervisor Siegel explained that the Supervisor's Budget (the Tentative Budget) is due on October 31, 2011. The Town Board will be meeting with Department heads on November 10 and 11th. After those meetings, the Town Board will adopt a Preliminary Budget. The Budget Hearing will take place on December 7, 2011.

APPROVE MINUTES

RESOLUTION #497

Supervisor Siegel pointed to several typographical errors in headers of the October 4, 2011 minutes. The Town Clerk thanked the Supervisor for pointing them out and said she would correct them.

Upon Motion by Councilman Martorano, Seconded by Councilman Bianco,

Resolved, that the Town Board Meeting Resolutions for October 4, 2011 are approved by the Town Board.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

RETIREMENT

DETECTIVE JOSEPH COLARUSSO

The Town Board accepted the retirement of Detective Joseph Colarusso with regret.

RESIGNATION

JOANNE TOSCANO – SECTION 8 OFFICE

The Town Board accepted the resignation of Joanne Toscano with regret

APPOINT ANTHONY TRIPODI

ZONING BOARD OF APPEALS

RESOLUTION #498

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

BE IT RESOLVED, that Anthony Tripodi is hereby re-appointed to the Zoning Board of Appeals for a five year term expiring on December 31, 2016.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

APPOINT ANN KUTTER
ALTERNATE MEMBER OF THE PLANNING BOARD
RESOLUTION #499

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

BE IT RESOLVED, that Ann Kutter is hereby appointed as an Alternate Member of the Planning Board to fulfill an unexpired term ending February 28, 2015.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted .

Westchester County Legislator Michael Kaplowitz spoke to the Town Board on several subjects. Westchester County has just enacted the final piece of its Early Retirement Incentive Program. Under this plan, we saved \$3.2 million dollars and reduced the County workforce by ten percent. Legislator Kaplowitz wished the Town luck with its 2012 budget. He also spoke about sales tax revenue as well as the Westchester County Refuse District #1 which Yorktown is a member of until 2019. He explained that revenues generated by the County's recycling center go right back into the program.

Supervisor Siegel explained that a gentleman came before the Town Board at its last work session looking to open a recycling center on Navajo Street in Jefferson Valley.

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

Mr. Dale Saltzman handed the Town Board a proposed local law to amend Chapter 195, Article 18 of the Town Code. He would like the following words added; "stone walls, historic stone foundations or other historic stone structures." Mr. Saltzman also asked that the Landmarks Preservation Commission be reconstituted.

Mother Claire Woodley-Atchison, the Pastor of St. Mary's Church in Mohegan Lake asked the Town Board to adopt the proposed Affordable Housing Set-Aside Legislation.

Mother Claire was told that this is the subject of a public hearing.

She said that she could not stay but wanted the Town Board to know the position of the Interfaith Council.

Mr. Walter Daniels, a member of the Conservation Board and Co-Chair of the Open Space Committee read a prepared statement signed by his Co-Chair, John Settembrino and himself. The statement, a copy of which is on file in the Town Clerk's Office, states that the Open Space Committee was disturbed by the Town Board's decision not to accept the Gundmar land donation. It ends by asking the Town Board to reconsider its decision.

Mrs. Shireen Witkovich stated that she and her husband attended the October 11, 2011 work session. They were included in discussions pertaining to a proposed local law on accessory structures to residences. At the end of the discussion, they were satisfied with the proposal which the Town Board also appeared to be satisfied. Yesterday, they received a copy of the proposal upon which a public hearing is scheduled to take place on November 1. Mrs. Witkovich stated that the proposal is not what was agreed upon. What happened? Was there another meeting? Or is this something that the Town Attorney did? Mrs. Witkovich said she was also upset at the fact that after reading the new proposal, she sent an email to the Board, but only received responses from Councilmen Bianco and Martorano and the Town Clerk.

Mr. Nicholas Witkovich also brought up the issue of the emails that were sent questioning the proposal. Who came up with this proposal?

Mrs. Jane Daniels explained that as a volunteer she is responsible for the trails in the Town of Yorktown. She and other volunteers work very hard building these trails. Often, these trails are ruined by ATV's. Mrs. Daniels urged the Town Board to adopt a local law that requires the first time offender to pay a fine and a second offense would result in the confiscation of their vehicle.

Mr. Paul Moskowitz spoke in reference to the Gundmar land donation which was turned down by the Town Board. He explained how the North County Trailway has made the Town of Yorktown a destination. Mr. Moskowitz explained that what makes the trailway attractive is that it runs through a rustic bucolic environment. He would like to see the same thing for the Yorktown Bike Trail. Adding the property offered by Gundmar would make the experience of this particular trail more enjoyable. Having a confluence of both trails in this Town would only add to our prosperity.

Mr. John Schroeder, President of the Yorktown Land Trust stated that he wanted to express their disappointment over the Town Board decision not to accept the land donation. Mr. Schroder stated that as a Land Trust, they encourage property owners to come to the Town and make donations. He also asked the Town Board to reconsider its decision.

Mrs. Barbara Michaels, a resident of Arcady Road stated that she was here tonight to express her disapproval at the Town Board's vote to turn down the land donation. She asked the Town Board to reconsider its vote on this issue.

Mr. Gil Kaufman said he wanted to talk about recycling revenues. Why not place recycling bins in Town parks so we can take advantage of the revenue as well as help the environment.

Mr. Nicholas DiTomasso, Vice President of the UTY and Host of the Senior Forum spoke about competitive bidding stating that it guards against favoritism and fraud. Each elected official should know that serving the community is a privilege and a trust. Mr. DiTomasso stated that he was here again to demand a public hearing on the Auditor's Report.

Mr. Howard Frank, spoke about the County's Recycling Program stating that the Town should question their tipping fee. We should call for an audit of the books. He also asked wanted to know who was in charge of the incinerator.

Mr. Bill Primavera stated that earlier today, he placed several political signs on his property and they were taken. He later learned that the Code Enforcement Officer had taken them because he says they were in the Town's right-of-way. Mr. Primavera stated that he can understand why there were taken. But, he still believes there should be a time limit on how long these signs remain.

Supervisor Siegel explained that these signs come under the definition of free speech and the Town cannot put a time limit on them.

Michael Gonzalez, a Boy Scout with Troop 173 stated that he attended tonight's Town Board Meeting to work on his Citizenship in the Community merit badge. He said he would like to work on a beautification project in Mohegan Lake.

Councilman Patel stated that he would work with him.

Scout Gonzalez also wanted to know what the Town Comptroller does.

Supervisor Siegel said the Comptroller's is the Town's fiscal officer and also manages the Town's assets.

COURTESY OF THE FLOOR CLOSED

Michael Gonzalez, a Boy Scout with Troop 173 stated that he attended tonight's Town Board Meeting to work on his Citizenship in the Community merit badge. He said he would like to work on a beautification project in Mohegan Lake.

Councilman Patel stated that he would work with him.

Scout Gonzalez also wanted to know what the Town Comptroller does.

Supervisor Siegel said the Comptroller's is the Town's fiscal officer and also manages the Town's assets.

Supervisor Siegel responded to comments and questions raised during Courtesy of the Floor:

Mr. Saltzman's proposed local law will be put on a work session agenda at the end of November.

It is not practical to take every parcel of land that is offered to the Town. The Board has asked the Open Space Committee to look at the properties on the list of foreclosures.

There was some confusion with regard to the proposed local law concerning accessory structures. The Board did agree on certain things during its discussion that were not put in the proposal. The Town Attorney will re-draft the proposal. The public hearing will take place November 18, 2011.

Town Attorney Jeannette Koster said she took notes but failed to put what said in the draft. She is working on another draft and will have the Board look at it.

She thanked Mr. Kaufman for his suggestion on recycling in town parks. She will have the Parks department order the bins.

Supervisor Siegel stated that the Board has responded to the Audit by New York State, she has submitted the Town of Yorktown's Corrective Action Plan which will be put on-line.

The Code Enforcement Officer, Joe Hughes picked up Mr. Primavera's signs because they were in the right-of-way. The Town recently amended its sign law because of a challenge in Federal Court.

Councilman Martorano stated that you cannot place a time limit on free speech.

Councilman Bianco's responses to comments and questions:

He thanked Legislator Kaplowitz for explaining how the Refuse District runs.

He voted in favor of accepting the land donation.

The Town Board did give direction to the Town Attorney about what we wanted to see in the proposed law on accessory structures. The verbiage in the draft did not come from us. But, we stopped it tonight and made it clear about what we wanted to see in the proposed local law.

I'm don't know too much about the tipping fee. But, the Refuse District is regulated by Westchester County.

Councilman Martorano's responses to comments and questions:

He congratulated Mrs. Daniels on receiving an award for her work on trails. He reiterated that he and Councilman Bianco were the only two who voted to accept land donation.

He was shocked that the proposed local law on accessory structures did not include what the Town Board called for.

In terms of penalties for people who ride ATV's and destroy property, there is already a law in the Penal Code which covers this, but there is no reason that we cannot adopt a local law that could concurrently go before the court.

Mr. Primavera, we thought we cleared up the matter of removing signs several years ago. In order to have any type of time limit placed on these signs, the political parties would have to come together and make an agreement.

Mr. Kaufman your idea is great.

Mr. Frank, we will look into the tipping fee.

RECONVENE PUBLIC HEARING

PROPOSED LOCAL LAW CREATING CHAPTER 102 ESTABLISHING A NEW AFFORDABLE HOUSING PROGRAM

Supervisor Siegel reconvened a public hearing for the purpose of enacting Chapter 102 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING," establishing a new Affordable Housing Program.

Maura Gregory, a member of the Community Housing Board urged the Town Board to enact the housing set-aside proposal. Many other communities in Westchester County already have enacted a similar law. This proposal will see that Yorktown continues to receive Community Development Block Grants as well as provide workforce housing. Ms. Gregory quoted statistics on the cost of housing in Westchester County versus what the Town of Yorktown pays its labor force. She explained that what we need is more rental units. Under the Westchester County Housing Settlement, these units must be affirmatively marketed. Ms. Gregory refuted arguments made at the previous public hearing saying that homeowners while they may not be able to sell these homes at market rate, they will get back their initial investment and modest interest. She also said that the Town of Yorktown has the legal authority to adopt this housing set-aside proposal.

Mr. Howard Frank stated that he believes the Town Board has not included all of the accessory apartments in the Town of Yorktown in its count of affordable units. He believes that there are several hundred accessory apartments. But, he says the Building Department has been negligent in enforcing the law.

Mr. Ken Belfer, Chairman of the Community Housing Board stated that this is a recycled law. The Town of Yorktown adopted its first housing set aside law in 2005 as did a number of other communities including Bedford, Somers, North Salem and White Plains. He urged the Town Board to adopt the proposed law.

Mr. Ed Ciffone asked that someone show him where workforce housing is mentioned in the Westchester County Housing Settlement. If we don't take the Community Development Block Grant money, we don't have to adopt this law.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Supervisor Siegel motioned, seconded by Councilman Patel. The Town Board will accept written comments until October 28, 2011.

RECONVENE PUBLIC HEARING

REQUEST FROM PAUL AND JENNIFER SILVERMAN SEEKING RELIEF ON THE BASIS OF HARDSHIP FROM TEMPORARY MORATORIUM ON APPROVALS FOR BUILDINGS ACCESSORY

Supervisor Siegel reconvened a public hearing to consider the application of Paul and Jennifer Silverman seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the Building Department’s review process for an accessory detached structure to their residence known on the Yorktown tax map as 36.10-1-80.

Public Hearing Adjourned

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

RECONVENE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 275 CREATING A PARK ZONE AND ADDING A STOP SIGN AT STRANG BLVD AND WOODLAND DRIVE (LEGACY FIELD)

Supervisor Siegel reconvened a public hearing for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” to add restrictions on Strang Boulevard, Woodlands Drive and Legacy Ballfields.

Speaking for the owners of condominiums at a nearby location, Councilman Martorano stated that the President of the Condominium Association is in favor of the proposal. The development would also like to see the gate moved closer to the ball field and a speed hump added to the road leading from the ball field.

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

LOCAL LAW #14 of 2011 AMENDING CHAPTER 275 CREATING A PARK ZONE AND ADDING A STOP SIGN AT STRANG BLVD AND WOODLAND DRIVE (LEGACY FIELD) RESOLUTION #500

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

WHEREAS, a public hearing was reconvened on October 18, 2011, pursuant to notice duly published as required by law for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” to add restrictions on Strang Boulevard, Woodlands Drive and Legacy Ballfields, Now therefore be it

RESOLVED, that Local Law #14/2011, 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:

Councilman Bianco	Voting	AYE
Councilman Martorano	Voting	AYE
Councilman Patel	Voting	AYE
Supervisor Siegel	Voting	AYE
Councilman Murphy	Voting	AYE

Local Law #14/2011 was thereupon declared .

CONVENE PUBLIC HEARING

PROPOSED LOCAL LAW REPEALING SECTION 216-10 ENTITLED “PEACE AND GOOD ORDER, PERTAINING TO SNOW REMOVAL AND TO ENACT A NEW ARTICLE ENTITLED “SNOW AND ICE REMOVAL” IN CHAPTER 250

Supervisor Siegel convened a public hearing to consider Repealing Section 216-10 of the Code of the Town of Yorktown, in the chapter entitled “PEACE AND GOOD ORDER,” pertaining to snow removal, and to enact a new article entitled “Snow and Ice Removal” in chapter 250, entitled “STREETS AND SIDEWALKS,” creating snow removal districts.

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

LOCAL LAW #15 of 2011 REPEALING SECTION 216-10 ENTITLED "PEACE AND GOOD ORDER, PERTAINING TO SNOW REMOVAL AND TO ENACT A NEW ARTICLE ENTITLED "SNOW AND ICE REMOVAL" IN CHAPTER 250 RESOLUTION #501

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

WHEREAS, a public hearing was convened on October 18, 2011, pursuant to notice duly published as required by law to consider Repealing Section 216-10 of the Code of the Town of Yorktown, in the chapter entitled "PEACE AND GOOD ORDER," pertaining to snow removal, and to enact a new article entitled "Snow and Ice Removal" in chapter 250, entitled "STREETS AND SIDEWALKS," creating snow removal districts.
Now therefore be it

RESOLVED, that Local Law #15/2011, 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:

Councilman Bianco	Voting	AYE
Councilman Martorano	Voting	AYE
Councilman Patel	Voting	AYE
Supervisor Siegel	Voting	AYE
Councilman Murphy	Voting	AYE

Local Law #15/2011 was thereupon declared.

ADVERTISING PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 15 ENTITLED "BUILDING CONSTRUCTION ADMINISTRATION WITH RESPECT TO EXEMPTIONS FROM BUILDING PERMIT REQUIREMENTS FOR CERTAIN ACCESSORY BUILDINGS, FENCES AND RETAINING WALLS; AND CHAPTER 300 ENTITLED "ZONING" WITH RESPECT TO CLEARANCE REQUIREMENTS FOR ACCESSORY BUILDINGS AND MAXIMUM SIZE STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES - REFER AND DECLARE LEAD AGENCY RESOLUTION #502

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 15th day of November, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" with respect to exemptions from the building permit requirements for certain accessory buildings, fences and retaining walls; and Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," with respect to clearance requirements for accessory buildings and maximum size standards for accessory buildings in residential zones.

A copy of said proposed local law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

TOWN BOARD CONVENING AS URBAN RENEWAL AGENCY FOR THE PURPOSE OF CONVEYING PROPERTY
RESOLUTION #503

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

RESOLVED, the Yorktown Town Board at its meeting on November 1, 2011 will designate itself as the Yorktown Urban Renewal Agency for the purpose of conveying property to the Town of Yorktown.

BE IT FURTHER RESOLVED, that the said property to be conveyed is known as follows:

37.19-1-19 Railroad Avenue & Hanover Street
37.18-2-59 320 Downing Drive
37.18-2-69 Underhill Avenue
37.19-1-10 Underhill Avenue

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

EXTEND MORATORIUM
RESOLUTION #504

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY, on the 1st day of November, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, for the purpose of extending the Moratorium, Local Law #8 of 2011 with respect to "Approvals for Buildings Accessory to Residences to December 31, 2011

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

CUTIGNOLA – REQUEST FOR RELIEF FROM MORATORIUM
RESOLUTION #505

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 1st day of November, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the application of Steven Cutignola seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the process of erecting a shed on his property, located at 317 Heather Court, Yorktown Heights, NY

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 115 ENTITLED "ANIMALS" SECTION 115-5 RELATING TO "BARKING DOGS"
RESOLUTION #506

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 15th day of November, 2011 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS," Article 1 of Chapter 115 "Entitled" Dog Control," Section 115-4 (Definitions) is hereby amended by the deletion of the defined term "Habitual".

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website @ yorktownny.org

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AWARD BID FOR PURCHASE OF A MECHANICALLY CLEANED BAR SCREEN
FOR THE WATER POLLUTION CONTROL PLANT - #11-05
RESOLUTION #507

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Wednesday, November 9, 2011, for the Mechanically Cleaned Bar Screen at the Yorktown Heights Sewage Treatment Plant, Bid #11-05.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

BID - SODIUM BISULFITE 38% WATER POLLUTION CONTROL PLANT - #11-06
RESOLUTION #508

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Wednesday, November 9, 2011, for Sodium Bisulfite 38% for the Sewage Treatment Plant, Bid #11-06.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

REJECT BID AUTOMOTIVE FLUIDS

RESOLUTION #509

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

WHEREAS, invitation to bid for Automotive Fluids was duly advertised, and

WHEREAS, said bids were received on the 14th day of October 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, and

WHEREAS, the Superintendent of Environmental Conservation has recommended that all bids be rejected and that the matter be rebid, now therefore be it

RESOLVED, that all bids received for Automotive Fluids are hereby rejected, and the matter therefore is rebid.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

REBID AUTOMOTIVE FLUIDS

RESOLUTION #510

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

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, October 31, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Automotive Fluids.

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.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AWARD BIDS

SLUDGE & GREASE REMOVAL AT THE YORKTOWN HEIGHTS SEWAGE

TREATMENT PLANT, BID #11-03

RESOLUTION #511

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

Bids were received by the Town Clerk on Tuesday, October 11, 2011, for the above-referenced project and are summarized as follows:

<u>BIDDER</u>	Stand-by Weekday Hour Grease Removal	Scheduled Digester Cleaning (per gallon)	Material Hauling Scheduled at STP for the Digesters (per gallon)
Fred A. Cook, Jr., Inc.	\$110.00*	\$0.36	\$0.12

*Contract rate for grease removal is \$0.20/gallon.

Resolved, that the bid for Digester Cleaning is awarded to Fred A. Cook, Jr., Inc., at a price of \$.36 per gallon, and BE IT FURTHER

Resolved, that the bid for Sludge Removal scheduled at the STP, is awarded to Fred A. Cook, Jr., Inc., at a price of \$0.12 per gallon, and BE IT FURTHER

Resolved, that the bid for Stand-by Weekday Hour, is awarded to Fred A. Cook, Jr., Inc, at a price of \$110.00 per weekday hour.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

VARIOUS CHEMICALS FOR THE YORKTOWN HEIGHTS SEWAGE TREATMENT
PLANT BID #11-04
RESOLUTION #512

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

CHEMICAL	BIDDER	AMOUNT
Ferric Chloride	Kemira Water Solutions, Inc. PVS Minibulk, Inc.	\$580.00 per dry ton \$695.00 per dry ton
Ferric Chloride 37% to 40%		\$ per drum
Caustic Soda 50%	Triathlon Industries, Inc.	\$2.47 per gallon
Caustic Soda 25%	H. Krevit & Co., Inc.	\$114.00 per drum
Citric Acid 50%	Coyne Chemical Co., Inc.	\$453.61 per drum
Sulfuric Acid (not more than 51%)	H. Krevit & Co., Inc.	\$176.00 per drum
Sodium Bisulfite 38%		\$ per drum \$ per drum
Sodium Hypochlorite 15%	H. Krevit & Co., Inc. Coyne Chemical Co., Inc.	\$119.00 per drum \$194.06 per drum

Calgon Poly-E-Z 6500	Polydyne, Inc. Coyne Chemical Co., Inc.	\$29.25 per dry ton \$12.70 per dry ton
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In order to award this bid I am requesting the Town Board adopt the following resolution:

WHEREAS, that the supply of the chemical, Sodium Bisulfite 38%, will be re-bid, and be it

RESOLVED, that the bid for **Ferric Chloride** be awarded to Kemira Water Solutions, the low bidder, at a cost of \$580.00 per dry ton, and be it further

RESOLVED, that the bid for **Caustic Soda 50%** be awarded to Triathlon Industries, Inc., the sole bidder, at a cost of \$2.47 per gallon, and be it further

RESOLVED, that the bid for **Caustic Soda 25%** be awarded to H. Krevit & Co., Inc., the sole bidder, at a cost of \$114.00 per 55 gallon drum, and be it further

RESOLVED, that the bid for **Citric Acid 50%** be awarded to Coyne Chemical Co., the sole bidder, at a cost of \$453.61 per 55 gallon drum, and be it further

RESOLVED, that the bid for **Sulfuric Acid (not more than 51%)** be awarded to H. Krevit & Co., Inc., the sole bidder, at a cost of \$176.00 per 55 gallon drum, and be it further

RESOLVED, that the bid for **Sodium Hypochlorite 15%** be awarded to H. Krevit & Co., Inc., the low bidder, at a cost of \$119.00 per 55 gallon drum, and be it further

RESOLVED, that the bid for **Calgon Poly-E-Z 6500** be awarded to Coyne Chemical Co., Inc., the low bidder, at a cost of \$12.70 per dry ton.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

INSTALLATION OF WATER METERS
RESOLUTION #513

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

WHEREAS, the Town Board authorized the Consolidated Water District to purchase water meters with electronic encoder registers and rapid read system at the April 5, 2011 Town Board meeting; and

WHEREAS, the Town Board authorized the Water Distribution Superintendent to advertise for competitive bid for the Installation of Cold Water Meters with Electronic Encoder Registers at the July 19, 2011 Town Board meeting; and

WHEREAS, invitation to bid for this installation was duly advertised; and

WHEREAS, said bids were accepted and opened and read aloud on September 27, 2011, with the bid amounts for the above-referenced project summarized as follows:

Name of Bidder	Cost for Meter Installation	Cost for Meter Testing/Additional Services
National Metering Services, Inc.	\$244,254	5/8"x3/4" & 3/4" - \$4.00/meter 1" - \$7.00/meter Line Freeze - \$85.00/meter Valve Change - \$125/meter
In Line Services, Inc.	\$273,600	5/8"x3/4" & 3/4" - \$5.00/meter 1" - \$5.00/meter Line Freeze - \$85.00/meter Valve Change - \$85.00/meter

SL-Serco	\$287,160	5/8"x3/4" & 3/4" - \$60.00/meter 1" - \$60.00/meter Line Freeze - \$87.00/meter Valve Change - \$175.00/meter
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RESOLVED that, upon the recommendation of the Water Distribution Superintendent, David Rambo, the bid for the professional installation of cold water meters with electronic encoder registers be and is hereby awarded to National Metering Services Inc, the lowest responsible bidder.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

REJECT BID 2012 MACK GRANITE GU813 CHASSIS AND LEACH 2R111 REAR
LOADING BODY
RESOLUTION #514

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

WHEREAS, invitation to bid for One (1) 2012 Mack Granite GU813 Chassis and one (1) Leach 2R111 25 Cubic Yard High Compaction Heavy Duty Rear Loading Body was duly advertised, and

WHEREAS, said bids were received and opened on the 17th day of October 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, and

WHEREAS, the Superintendent of Environmental Conservation has stated that the bid specifications were not met and that the matter be rebid, now therefore be it

RESOLVED, that the bids for One (1) 2012 Mack Granite GU813 Chassis and one (1) Leach 2R111 25 Cubic Yard High Compaction Heavy Duty Rear Loading Body are hereby rejected, and the matter therefore is rebid.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

REBID 2013 MACK GRANITE GU813 CHASSIS AND LEACH 2R111 REAR LOADING
BODY
RESOLUTION #515

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, October 31, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the purchase of One (1) 2013 Mack Granite GU813 Chassis and One (1) Leach 2R111 25 cubic yard high compaction heavy duty rear loading body for use in the Environmental Conservation Department.

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.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

APPROVE AN INCREASE TO THE TAX CERTIORARI RESERVE FOR 2010
RESOLUTION #516

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

Whereas, effective for the 2010 calendar year, the Town of Yorktown created a Reserve for Tax Certiorari, and

Whereas, the total of the current Town Board approved settlements is \$942,115.63, and

Whereas, the current balance of the Reserve for Tax Certiorari is \$600,000, now,

Therefore, Be It Resolved, effective December 31, 2010, the Reserve for Tax Certiorari account shall be increased by \$342,116.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE THE PURCHASE OF A NEW MOWER FOR THE PARKS AND RECREATION DEPARTMENT
RESOLUTION #517

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

Whereas, the Yorktown Recreation and Parks Department has a need to replace their 1991 Toro Groundmaster Model 580D, originally purchased January 31, 1991 at a cost of \$20,000, and

Whereas, sufficient funds exist within the current 2011 budget, now,

Therefore, Be It Resolved, the Yorktown Recreation and Parks Department is hereby authorized to purchase a new Toro Groundmaster Model 5910 at an estimated cost of \$85,000 from NYS Contract PC-64358.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN SEWER EASEMENT AGREEMENT – GIUSEPPE & CATERINA SARUBBI - SARUBBI MINOR SUBDIVISION – HOMESTEAD ROAD
RESOLUTION #518

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a sewer easement agreement with Giuseppe & Caterina Sarubbi for the Sarubbi Minor Subdivision.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

WETLAND BOND RELEASE
#WP-014-07 – WHITEHILL ROAD AND #WP-037-06 – GOMER STREET
RESOLUTION #519

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

WHEREAS, Sidney Schlomann, as applicant, filed an Wetland Bond in the amount of \$300.00, which was deposited into the T33 Account on May 25, 2007, covering Wetland Permit #014-07, for work performed at his Whitehill Road residence, and

WHEREAS, Sidney Schlomann (SIDESIGN), as applicant, filed an Wetland Bond in the amount of \$500.00, which was deposited into the T33 Account on March 23, 2007, covering Wetland Permit #037-06, for work performed at his Gomer Street residence, 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 \$800.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the \$500 for permit #WP-037-06 be released to SIDESIGN, 1510 Whitehill Road, Yorktown Heights, NY 10598, and BE IT FURTHER

RESOLVED, that the \$300 for permit #WP-014-07 be released to Mr. Sidney Schlomann, 1510 Whitehill Road, Yorktown Heights, NY 10598.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH NOR-WEST FOR RECREATION SERVICES FOR THE DISABLED
RESOLUTION #520

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

Resolved, that the Supervisor is authorized to sign a contract with Nor-West in the amount of \$38,232.00 for a one year period from January 1, 2011 to December 31, 2011 to provide recreational services to disabled youth, subject to the approval of the Town Attorney.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH TECHWORKS FOR PROVISION OF ON-LINE MANAGEMENT SOFTWARE AND VIDEO STREAMING SERVICES
RESOLUTION #521

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

Resolved, that the Supervisor is authorized to sign an agreement with Techworks in the amount of \$700.00 to provide on-line software management and video streaming services for a period of one year from November 1, 2011 to October 31, 2012, subject to the approval of the Town Attorney.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH MUSCO TO INSTALL TIMERS ON THE LIGHTS AT THE TENNIS COURTS AT DOWNING PARK AND THE IN-LINE SKATING RINK AT SHRUB OAK MEMORIAL PARK
RESOLUTION #522

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

Resolved, that the Supervisor is authorized to sign an agreement with Musco Lighting in the amount of \$12,900.00 to install timers on the lights at the tennis courts in Downing Park and at the in-line skating rink at Shrub Oak Memorial Park, subject to the approval of the Town Attorney.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

AUTHORIZE SUPERVISOR TO SEND A LETTER OF SUPPORT FOR THE HILLTOP HANOVER FARM TO THE MID HUDSON ECONOMIC DEVELOPMENT COUNCIL
RESOLUTION #523

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

Resolved, that the Supervisor is authorized to send a letter supporting Hilltop Hanover's application for economic development funds to the Mid-Hudson Economic Development

Council. The funds will pay for the conversion of an existing two-story dairy barn into a commercial and hands-on teaching kitchen.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted

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

COURTESY OF THE FLOOR CLOSED

The following are responses to comments and questions posed during Courtesy of the Floor:
From Supervisor Siegel:

ADJOURN

Upon motion made by Councilman Martorano, seconded by Councilman Bianco, to adjourn the Town Board meeting.

Alice E. Roker
Town Clerk
Town of Yorktown