

**FINAL REGULAR SESSION AGENDA
TOWN OF YORKTOWN
363 Underhill Avenue
Yorktown Heights, NY 10598
February 2, 2010**

PLACE: TOWN HALL

TIME: 7:30pm

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. REPORT FROM SUPERVISOR SUSAN SIEGEL
- 4 REPORTS FROM TOWN COUNCIL
5. COURTESY OF THE FLOOR

6 PUBLIC HEARING

Convene:

- Approve local law amending Chapter 260 Article X relating to Cold War Veterans exemptions
- increase maximum levels

7. ADVERTISING – Bids:

The Westchester County Police Consortium is comprised of 18 Communities

- Crown Victoria Marked and Unmarked Cars – Police Consortium
- Explorer XLTs Marked and Unmarked – Police Consortium
- Expedition SSV Marked and Unmarked – Police Consortium
- Dodge Chargers Marked and Unmarked – Police Consortium

Reject and rebid

- Chain Link Fence

8. AWARD BIDS

- Body work done on Town Cars
- Body work done on Town Trucks

9. RESOLUTIONS

Requests from the Engineering Department:

- Release of Erosion Control Bonds

Bond Number: WP# -E-038-08

Requests from Environmental Conservation:

- Extend the Annual Maintenance and Emergency on-call service for Town Boilers and Furnaces

Contract began Jan. 08 – Dec. 08 – can be extended through Dec. 2013

Requests from the Legal Department:

- Authorize the Supervisor to retain the law firm of Wormser, Kiely, Galef and Jacobs to represent the Town in the matter of Joseph Fonte and Louise Rosato vs. the Town of Yorktown et al
- Authorize the Supervisor to retain the law firm of Wormser, Kiely, Galef and Jacobs to represent the Town in the matter of Nicholas Witkovich vs. the Town of Yorktown et al
- Authorize the Comptroller to pay the law firm of Wormser, Kiely, Galef and Jacobs for work done in the defense of the Town and all individually named municipal defendants in the matter of Howard and Eleanor Frank v. Town of Yorktown et al

Requests from the Recreation Department:

- Approve a change in Tennis Court fees for the 2010 season

Requests from the Town Board:

- Amend the medical benefits for elected officials
- Amend the policy concerning Conference attendance and trips Legacy Ballfield

Requests from the Town Clerk:

- Approve CRP Commercial Garbage License

10. PERSONNEL

Appointments:

- Michael Carducci - Maintenance Worker, Mechanical
- William Nehmzow - Maintenance Worker, Mechanical
- Kyle Gulitz - Sewer Maintenance Worker

Transfer

- Frank Redina - from DEC to Sewer

11. REFUNDS

Duplicate Tax Payment:

- Account #1390000
-

Building Department

- Building Permit request withdrawn – Section 26.20 Block 1 Lot 21

12. REFERRAL

- Request from Zeal Construction for a wetlands permit Construction of a single family house, driveway, water, sewer and other utilities at 1719 Parmly Road, Mohegan Lake, NY

13. COURTESY OF THE FLOOR

14. ADJOURN
ALICE E. ROKER
TOWN CLERK
TOWN OF YORKTOWN

DATED: February 2, 2010

The Town Board respectfully requests that you keep your remarks during Courtesy of the Floor as brief as possible; no more than three minutes.

BIDS PREVIOUSLY APPROVED FOR ADVERTISING:

**ATHLETIC EQUIPMENT AND GAMES
RECREATION DEPARTMENT - BID**

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 Wednesday, February 10, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering athletic and game equipment to the Yorktown Department of Parks & Recreation.

February 2, 2009 Town Board Meeting
Resolutions to be approved:

**7. ADVERTISING
BIDS:**

The Westchester County Police Consortium is comprised of 18 Communities

**2010 FORD CROWN VICTORIA 4-DOOR SEDANS
MARKED POLICE PATROL CARS**

NOTICE IS HEREBY GIVEN that 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 2:00 o'clock PM on the 23rd day of February, 2010 for the furnishing and delivering of approximately forty-five (45) 2010* Ford Crown Victoria Four Door Sedans to be used as marked police patrol cars for the use by the Police Department of the Town of Yorktown along with approximately eighteen (18) other communities and other qualifying police agencies in the State of New York.

The number of units listed is approximate and may increase or decrease. The exact sum of the award will be the total of the orders placed during the contract period. All bidders hereby waive claims for damages by reason of any changes in the estimated quantities.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

**2010 FORD CROWN VICTORIA 4-DOOR SEDANS
UNMARKED POLICE PATROL CARS**

NOTICE IS HEREBY GIVEN that 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 2:00 o'clock PM on the 23rd day of February, 2010 for the furnishing and delivering of approximately twenty-seven (27) 2010* Ford Crown Victoria Four Door Sedans to be used as unmarked police patrol cars for the use by the Police Department of the Town of Yorktown along with approximately eighteen (18) other communities and other qualifying police agencies in the State of New York.

The number of units listed is approximate and may increase or decrease. The exact sum of the award will be the total of the orders placed during the contract period. All bidders hereby waive claims for damages by reason of any changes in the estimated quantities.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

**2010 FORD EXPLORER 4X4 FOUR DOOR
MARKED AND UNMARKED POLICE PATROL CARS**

NOTICE IS HEREBY GIVEN that 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 2:00 o'clock PM on the 23rd day of February, 2010 for the furnishing and delivering of approximately twenty-seven (27) 2010* Ford Explorer 4x4 Four Door Vehicles to be used as marked and unmarked police patrol cars for the use by the Police Department of the Town of Yorktown along with approximately eighteen (18) other communities and other qualifying police agencies in the State of New York.

The number of units listed is approximate and may increase or decrease. The exact sum of the award will be the total of the orders placed during the contract period. All bidders hereby waive claims for damages by reason of any changes in the estimated quantities.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

2010 FORD EXPEDITIONS SSV 4X4

MARKED AND UNMARKED POLICE PATROL CARS

NOTICE IS HEREBY GIVEN that 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 2:00 o'clock PM on the 23rd day of February, 2010 for the furnishing and delivering of approximately seventeen (17) 2010* Ford Expeditions SSV 4x4 to be used as marked and unmarked police patrol cars for the use by the Police Department of the Town of Yorktown along with approximately eighteen (18) other communities and other qualifying police agencies in the State of New York.

The number of units listed is approximate and may increase or decrease. The exact sum of the award will be the total of the orders placed during the contract period. All bidders hereby waive claims for damages by reason of any changes in the estimated quantities.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

2010 DODGE CHARGER FOUR DOOR SEDANS

MARKED AND UNMARKED POLICE PATROL CARS

NOTICE IS HEREBY GIVEN that 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 2:00 o'clock PM on the 23rd day of February, 2010 for the furnishing and delivering of approximately twenty-seven (27) 2010* Dodge Charger Four Door Sedans to be used as marked and unmarked police patrol cars for the use by the Police Department of the Town of Yorktown along with approximately eighteen (18) other communities and other qualifying police agencies in the State of New York.

The number of units listed is approximate and may increase or decrease. The exact sum of the award will be the total of the orders placed during the contract period. All bidders hereby waive

claims for damages by reason of any changes in the estimated quantities.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

Reject and Rebid

**REJECT & REBID
CHAIN LINK FENCE TOWN WIDE
ADVERTISEMENT**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on February 23, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the Re-Bid on Chain Link Fence Town Wide. 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: "Re-Bid: Chain Link Fence Town Wide"

The Town Board of the Town of Yorktown 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.

**REJECT & REBID
CHAIN LINK FENCE TOWN WIDE
RESOLUTION**

WHEREAS, invitation to bid for Chain Link Fencing –Town-wide in the Town of Yorktown. was duly advertised, and

WHEREAS, said bids were received and opened on the 23rd day of December 23, 2009 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

WHEREAS, the Town Clerk has recommended that all bids be rejected and that the matter be rebid on the 2nd day of January, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, now therefore be it

RESOLVED, that all bids made on the furnishing of Chain Link Fencing Town-wide be rejected and that the matter be rebid on the 2nd day of February, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

8. AWARD BIDS

BODYWORK ON TOWN CARS

AWARD BID - RESOLUTION

WHEREAS, invitation to bid for the Bodywork on Town of Yorktown Cars was duly advertised, and

WHEREAS, said bids were received and opened on February 2, 2010, with the bid amounts for the above-referenced project summarized as follows:

Name of Bidder Labor Hourly Rate % Above Contractor's Cost
for Materials

Tompkins Garage Inc. \$30.00 Per Hour 0%
1440 Croton Lake Rd.
Yorktown Heights, NY 10598

Yorktown Auto Body \$40.00 Per Hour 10%
1798 Front St.
Yorktown Heights, NY 10598

RESOLVED, that upon the recommendation of the Superintendent of Department of Environmental Conservation, Patrick Lofaro, the bid for the Bodywork on Town of Yorktown Cars be and is hereby awarded to Tompkins Garage Inc., the lowest responsible bidder.

BE IT FURTHER RESOLVED, this contract is effective for one (1) year with the option to renew for three (3) additional years.

BODYWORK ON TOWN TRUCKS

AWARD BID RESOLUTION

WHEREAS, invitation to bid for the Bodywork on Town of Yorktown Trucks was duly advertised, and

WHEREAS, said bid was received and opened on February 2, 2010, with the bid amount for the above-referenced project summarized as follows:

Name of Bidder Labor Hourly Rate % Above Contractor's Cost
for Materials

Tompkins Garage Inc. \$30.00 Per Hour 0%
1440 Croton Lake Rd.
Yorktown Heights, NY 10598

RESOLVED, that upon the recommendation of the Superintendent of Department of Environmental Conservation, Patrick Lofaro, the bid for the Bodywork on Town of Yorktown Trucks be and is hereby awarded to Tompkins Garage Inc., the sole responsible bidder.

BE IT FURTHER RESOLVED, this contract is effective for one (1) year with the option to renew for three (3) additional years.

9. RESOLUTIONS

Requests from the Engineering Department:

EROSION CONTROL RELEASE

WP# E-038-08 – RESOLUTION

WHEREAS, I.B.M. as applicant, posted Check No. 3798569 in the sum of \$9,500.00, which was deposited into the T33 account on October 22, 2008, \$5,500.00 to serve as the Erosion Control Bond and \$4,000.00 to serve as the Wetland Bond, for Town Board approving Wetland/Excavation Permit #WP-E-038-08, for work performed at the Kitchawan Road location;

WHEREAS, I.B.M. is requesting the Erosion Control Bond be released as the site is stable and construction has been completed; and

WHEREAS, the Wetland Bond in the amount of \$4,000.00 is being held for five years;

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 \$5,500.00 for erosion control may be released; and

WHEREAS, the Wetland Bond will remain in full force and effect; now therefore be it

RESOLVED, that the above-described Erosion Control Bond in the amount of \$5,500.00 be and is hereby released to I.B.M. 1101 Kitchawan Road, Yorktown Heights, NY 10598, Attn: Mr. Daniel Chess, P.E.

Requests from Environmental Conservation:

EXTEND ANNUAL MAINTENANCE AND

EMERGENCY ON-CALL SERVICE

FOR TOWN BOILERS AND FURNACES

WHEREAS, bids for Annual Maintenance & On Call Service for Town Boilers & Furnace were received and opened on January 2, 2008; and

WHEREAS, said bid was awarded to JFJ Fuel Inc., Valley Oil Company, 705-707 Nepperhan Ave., Yonkers, New York; and

WHEREAS, the town has the option to extend said bid for five additional years in one-year

increments; and

WHEREAS, said bid commenced January 23, 2008 through December 31, 2008 with additional years of 2009, 2010, 2011, 2012, and 2013; No, therefore be it

RESOLVED, that the Annual Maintenance & On Call Service For Town Boilers & Furnace is hereby extended for one year, per the terms of the bid to JFJ Fuel Inc., Valley Oil Company.

FURTHER RESOLVED, the dates of the extension will be January 1, 2010 through to December 31, 2010.

Requests from the Legal Department:

AUTHORIZE SUPERVISOR TO RETAIN
WORMSER, KIELY GALEF & JACOBS
IN THE MATTER OF JOSEPH FONTE & LOUISE ROSATO

WHEREAS, the Town Board finds that the law firm of Wormser Kiely Galef and Jacobs of 399 Knollwood Road, White Plains, New York is well qualified to serve as Special Counsel to the Town; now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to retain the law firm Wormser, Kiely, Galef & Jacobs LLP to represent the Town and all individually named municipal defendants in the matter of Joseph Fonte and Louise Rosato v. Town of Yorktown et al. as the Town's insurance carrier has denied coverage.

AUTHORIZE SUPERVISOR TO RETAIN
WORMSER, KIELY GALEF & JACOBS
IN THE MATTER OF NICHOLAS WITKOWICH

WHEREAS, the Town Board finds that the law firm of Wormser Kiely Galef and Jacobs of 399 Knollwood Road, White Plains, New York is well qualified to serve as Special Counsel to the Town; now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to retain the law firm Wormser, Kiely, Galef & Jacobs LLP to represent the Town and all individually named municipal defendants in the matter of Nicholas Witkovich v. Town of Yorktown et al. as the Town's insurance carrier has denied coverage.

AUTHORIZE COMPTROLLER TO PAY
WORMSER, KIELY GALEF & JACOBS
IN THE MATTER OF HOWARD & ELEANOR FRANK

WHEREAS, the Town Board finds that the law firm of Wormser Kiely Galef and Jacobs of 399 Knollwood Road, White Plains, New York is well qualified to serve as Special Counsel to the Town; and

WHEREAS, Wormser, Kiely, Galef & Jacobs LLP was advised to proceed with the defense of the Town and all individually named municipal defendants in the matter of Howard and Eleanor

Frank v. Town of Yorktown et al; and

WHEREAS, the Town's insurance carrier subsequently agreed to defend the Town and the municipal defendant in connection with such matter; now therefore be it

RESOLVED, that the Town Board authorizes the payment of Wormser, Kiely, Galef & Jacobs LLP, the sum of \$5,753.85 in connection with the work it performed prior to acceptance by the Town's insurance carrier for coverage.

Requests from the Recreation Department:

APPROVE CHANGE IN TENNIS COURT FEES
FOR THE 2010 SEASON

RESOLVED, the Town Board waives the tennis permit fees for the 2010 season due to the condition of the Town of Yorktown tennis courts.

Requests from the Town Board:

AMEND MEDICAL BENEFITS
FOR ELECTED OFFICIALS

WHEREAS, it is the current town board's intent to clarify the town's long standing policy regarding elected officials and health benefits, and

WHEREAS, all elected officials are entitled to medical, dental and vision benefits in accordance with the same provisions offered to full time employees; and

WHEREAS, if said elected official declines medical coverage, they are entitled to the declination payment as outlined in the CSEA contract; now

THEREFORE, BE IT RESOLVED, the town board hereby affirms the health benefit policy for elected officials as outlined above

UPDATE POLICY CONCERNING
CONFERENCE ATTENDANCE AND TRIPS

RESOLVED, that the Town Conference Attendance and Trip Policy is hereby updated to read as follows:

Conference Attendance:

Attendance at all overnight conferences and seminars must be approved in advance by the Town Board regardless of whether or not funds are in the department budget for such trips.

Day Trips

Mileage. Employees are strongly encouraged to use town vehicles if at all possible. In the event

no town vehicles are available, they may use their personal vehicle and will be reimbursed for mileage in accordance with the federal rate in effect at that time. The amount of miles reimbursed is calculated from either the employee's residence or their place of work, whichever is less. For example, if an employee resides in Dutchess County and attends a seminar in White Plains, they will only be reimbursed for the mileage from Yorktown to White Plains. Conversely, if an employee lives in Fishkill, and attends a conference in Fishkill, only mileage from the employee's residence to the conference hall will be reimbursed.

Food: No food expenses are reimbursed for day trips.

Overnight Trips

By Car: Same as above applies. Parking expenses and tolls all are reimbursable.

By Other Mode of Transportation: Airfare, cab fare and train expenses are reimbursable.

Food: For departments other than the police department, who follow their own procedure, the reasonable cost of meals is reimbursable. All receipts must be detailed, and at no time will alcohol or entertainment expenses be considered.

Should an employee wish to extend his/her stay at a particular location, or bring a guest, the Town shall not incur any additional expenses over the individual's necessary costs for attendance at said function.

Procurement policies must be followed, and all reimbursement requests must contain detailed receipts. If possible, the Town prefers to pay the provider (airline, hotel, conference hall) directly, rather than reimburse the employee.

LEGACY BALLFIELD

RESOLUTION

Resolution to be provided shortly.

Request from the Town Clerk:

APPROVE RENEWAL COMMERCIAL GARBAGE LICENSE

CRP SANITATION

RESOLVED, that CRP Sanitation Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2010.

10. PERSONNEL

Appointments:

MICHAEL CARDUCCI - MAINTENANCE WORKER MECHANICAL

SEWER DEPARTMENT

BE IT RESOLVED, that Michael Carducci is hereby appointed Maintenance Worker – Mechanical, job class code 0443-02, in the Sewer Department, effective February 8, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 4 which is \$60,646.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on February 8, 2010.

WILLIAM NEHMZOW - MAINTENANCE WORKER MECHANICAL
SEWER DEPARTMENT

BE IT RESOLVED, that William Nehmzow is hereby appointed Maintenance Worker – Mechanical, job class code 0443-02, in the Sewer Department, effective February 8, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 3 which is \$58,163.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on February 8, 2010.

KYLE GULITZ – SEWER MAINTENANCE WORKER
SEWER DEPARTMENT

BE IT RESOLVED, that Kyle Gulitz is hereby appointed Sewer Maintenance Worker, job class code 0652-05, in the Sewer Department, effective February 8, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 3 which is \$51,129.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on February 8, 2010.

Transfer:

FRANK REDINA - LABORER
TRANSFERRED TO SEWER DEPARTMENT

BE IT RESOLVED, that Frank Rendina is hereby transferred from the Department of Conservation to the Sewer Department as a Laborer, job class code 0425-05, effective February 8, 2010, with no change in salary.

11. REFUNDS

Building Department

BUILDING PERMIT # 20090167 REFUND
SECTION 26.20, BLOCK 1, LOT 21

RESOLVED, that a refund in the amount of \$645.00 be given to Anthony Onofri, Section 25.20, Block 1, Lot 21 for a withdrawn building permit fee.

12. REFERRAL

REQUEST FROM ZEAL CONSTRUCTION
FOR A WETLANDS PERMIT

RESOLVED, the Town Clerk is authorized to refer the requests from Zeal Construction for a wetlands permit at 1719 Parmly Road, Mohegan Lake to the appropriate agencies.