

Regular meeting held by the Town Board,
Town of Yorktown on February 2, 2010 held at
Yorktown Town Hall, Yorktown Heights, NY.

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

TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Interim Town Attorney Daniel Pozin were also present.

PLEDGE OF ALLEGIANCE

Supervisor Siegel 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.

DURING HER REPORT TO THE TOWN, Supervisor Susan Siegel made a number of announcements including explaining why several resolutions were dropped from the agenda. The resolutions concerning the dog park were removed from the agenda because the Town needs to find out if New York State will permit us to demolish the boarded up buildings and fill in the abandoned swimming pool. Once we get an answer to that question, we want to know if they will pay for the work. If the State is not willing to come up with the money, the Board will have to decide where we go from there. In the meantime, we will also be asking the Recreation Commission to come up with alternate sites. The Supervisor also stated that the resolution permitting the Chamber of Commerce to rent a building at the Par 3 Golf Course at Shallow Creek was removed so that the Board is given time to listen to another proposal for the site. The Supervisor also stated that the Board received an ethics complaint but since the terms of all of the members of the Ethics have expired, we will be looking to replace them with new members. She further stated that the Board will also be looking at amending the ethics code. With great sadness, Supervisor Siegel announced the passing of Seymour Samuels who spent many years working for the Town of Yorktown as our Fire Marshal. The Town Board has designated Councilman Patel as its IT (Information Technology) consultant. New York State Department of Transportation will hold a public hearing at the John C. Hart Library on March 11th to talk about their proposed design work at the intersection of Route 202/35 and Pine Grove Court. The public hearing for the Comprehensive Plan is March 9, not March 2nd. The Supervisor announced a new procedure for the handling of FOIL (Freedom of Information) Requests. Supervisor Siegel acknowledged letters of recognition from the public for Police Officer Christopher O'Rourke, the Meals on Wheels Program and Colette Rodgers, the Town's Section 8 Administrator. The American Red Cross will host a one day training seminar for Disaster Reserve Volunteers at its headquarters in White Plains. Supervisor Siegel read a portion of a letter from Jennie and David Sunshine opposing the request by Costco to build a store on Route 202/35. Cablevision has notified the Town of Yorktown that effective March 3, 2010, they will discontinue the TV Guide Subscription channel.

DURING THEIR REPORTS TO THE TOWN

Councilman Bianco expressed his regrets to the Samuels family over the death of Seymour Samuels. He thanked the Yorktown Police Department and the Yorktown Auxiliary Police Department for providing traffic control while the Archbishop of New York visited the St. Patrick and Elizabeth Seton parishes.

Councilman Martorano expressed his condolences on the passing of Seymour Samuels.

Councilman Murphy acknowledged the work employees of the Yorktown Water Department who worked hard to repair a water main break in temperatures that were below freezing.

Councilman Patel stated that he attended the Westchester County Emergency Response quarterly meeting. He expressed his deep regrets over the death of Seymour Samuels. Councilman Patel stated that he met Mr. Samuels at the IBM Watson Center in Yorktown where they both worked. The Councilman also congratulated the graduates of the DARE Program at Crompond School. He also thanked the members of the water department who were on duty last weekend during a water main break.

DURING HIS REPORT FROM WHITE PLAINS, Westchester County Legislator Michael Kaplowitz spoke about the Housing Implementation Plan, recently released by County Executive Rob Astorino. He stated that the plan does not have quotas. Some municipalities have already stepped forward and told the Legislature that they need the housing for their work force. The Westchester County tax increase for Yorktown, for 2010 is 1.7%. Legislator Kaplowitz stated that he voted against the budget because he felt that the County Board could have reduced the budget even more with additional consolidations. He supports the Westchester County Executive's plan to have Westchester County employees pay a portion of their health insurance. Legislator Kaplowitz ended his discussion by requesting that the Town Board do all it can to restart work on the on the Legacy Ball field.

Supervisor Siegel thanked Mr. Kaplowitz and stated that she has a copy of the Housing Implementation Plan. She further stated that later tonight the Town Board will pass a resolution concerning the Legacy Ball field.

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Al Boutross read a prepared statement to the Town Board, a copy of which is on file in the Town Clerk's Office in the Town Minutes file. In the statement, Mr. Boutross states that he was disappointed at the Town Board because it hired a full-time Water Superintendent. He stated that one of the reasons the Town Board gave for this decision, "we can't take chances with our drinking water" seems like scare tactics. The Yorktown Consolidated Water District, supplying water to Yorktown, Cortlandt, Montrose and Somers, is managed by the Northern Westchester Joint Water Works. The Joint Water Works monitor water quality on a regular basis for specific contaminants as part of the Federal requirements of the Clean Water Act. This statement ends by stating what we need now is the consolidation of Yorktown's Highway and Water Departments for economy and efficiency as a relief to taxpayers with Eric DiBartolo as Superintendent."

Mrs. Mara Ziedens, a resident of Yorktown since 1969 stated that now that the Yorktown School District has announced the closing of French Hill School, the Town Board should work with the school district to see if we could get that building as a Senior Center. She also wanted to know about prevailing wages.

Mrs. Laura Wuerth, Chairman of the Yorktown Community Dog Park Committee stated that she was here for several reasons; to express her frustration over the recent developments concerning the dog park. Mrs. Wuerth stated that she understands the concerns expressed by the Town Board, but why are these problems coming to light now. She asked the Town Board and the Recreation Commission to come up with a plan to create this park. The plan should also include a time line. Mrs. Wuerth also stated that there should be an assessment made of the site on Old Baldwin Road that will include all outstanding issues.

Mr. Fred Gultiz read from an email sent to the Town Board on January 20, 2010. The email, a copy of which is on file in the Town Clerks Office in the Town Minutes file, refers to Town Board Resolution #258 of 2007 and poses many questions. Why don't trucks the Superintendent of Highways and Deputy Superintendent of Highways use have permanent (not magnetic) Yorktown decals showing that they belong to the Town of Yorktown? Why do both the Superintendent of Highways and the Deputy Superintendent of Highways trucks red and blue lights mounted in the front grill of the trucks? Why were seat covers purchased at \$400 (voucher 805350) and \$597.95 (voucher 800672) for the trucks? Why were tires, lugs and rims purchased for \$610 (voucher 811616)? Mr. Gultiz also made inquired into an accident that he said the Highway Superintendent got in on January 26, 2009. He said the accident was never reported to the Town even though the car was taken to Tompkins Garage.

Mr. Mark Lieberman, a resident of Wells Street made comments concerning the Town Board's meeting with representatives of Costco. He stated that this company could ruin the Town of Yorktown. Traffic on Route 202 is already a problem. This would create a Yonkers, north. Mr. Lieberman spoke about a study that he forwarded to members of the Town Board that bears out his previous statement.

Mr. Paul Moskowitz, a representative of Green Yorktown spoke about an upcoming café. On February 10th at 7:30PM, the topic of discussion will be Planning Ahead: Oil Supply and Climate Change. The speakers will be John Bell, a representative of Transition Westchester, who will discuss a plan for our dwindling oil supply and Sally Odland, a Geologist from Columbia University. She's an expert on the world's oil supply.

Mr. Steve Gardner, a resident of Yorktown spoke about an issue that he said was very disturbing. He began his discussion by handing the Town Board a copy of a General Ledger Report dated December 15, 2009, a copy of which is on file in the Town Clerk's Office under Town Board Minutes. Mr. Gardner stated that in these tough economic times, the Highway Superintendent paid \$850.00 to have a town truck pinstriped.

Mr. John Schroeder, spoke on the subject of the new Legacy Ball Field. He wanted to know the status of the project. He stated that there is an exposed slope of 15 degrees or greater within several feet of the Hunter Brook. Once weather warms up and the rains begin, the affect could be disastrous. There are no silt fences or hay bales to protect the water body. The area needs to be stabilized immediately. He further stated that this site was wrong for the project. Speaking on the Town's intention to purchase open space on Stony Street, Mr. Schroeder stated that the deal should not die on the vine. He understands that there are concerns about the property but he felt that the sale should be concluded.

Mr. Edward Killeen, a resident of Shrub Oak stated that he came tonight to speak on the subject of the Legacy Ball Fields. He objected to this deal with Westchester County from the beginning. The ball fields are in the wrong location. He spoke about this property that former Supervisor Bock was able to purchase many years ago. We hoped that it would remain open space. He further stated that Westchester County states that they are paying for these fields, but these fields will have to be maintained and scheduled by the Town of Yorktown. Mr. Killeen ended by stating that the Inter-municipal Agreement with Westchester County should be renegotiated.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to nine of the issues raised during Courtesy of the Floor:

Mr. Boutross, the Town Board was not trying to put a scare into anyone concerning the Water Department. We had a concern regarding professionalism in that department.

Mrs. Ziedens, the Town Board will look into issues concerning French Hill School. Prevailing wages are a mandate from New York State. The Board has made no decisions concerning issues such as electricians.

Mrs. Wuerth, she understands the frustration of the Dog Park Committee. The previous administration did not do their due diligence concerning the Trump property. The Holland Sporting Club is also a disaster waiting to happen. She wants to see this resolved.

Mr. Gulitz, you've raised many issues. The Board will go through your papers.

Mr. Lieberman, any property owner has the right to come in with a proposal concerning their property. There will be numerous meetings concerning this site.

Mr. Moskowitz, thank you for your work with Green Yorktown.

Mr. Gardner, you have raised issues that we will have to look into.

Mr. Schroeder, Legacy Ball Field is a concern. She is anxious to get the work started again. Representatives of the Department of Environmental Protection are out at the site. The Town Board passed a resolution in November of 2009 to purchase the property on Stony Street. During a Phase I Environmental Assessment, oil tanks were discovered on the site. There are indications that fuel oil might have been in the ground. There is a need for additional testing. We are doing our due diligence before making the purchase. If there is a problem, the seller will have to remediate the problem.

Mr. Killeen, negotiations over this project with Westchester County are over. The decision to place the Legacy Ball Field where it is was made in 2004. The paperwork was signed in 2005.

Councilman Bianco responded to issues raised during Courtesy of the Floor:

Mrs. Ziedens, French Hill School was closed before. It might be a good idea to rent the site.

Mrs. Wuerth, he understands that the issues concerning the Dog Park are frustrating. He will have a resolution put back on a future agenda. He spoke to the Yorktown Police Chief and asked if his department had received any reports of vandalism at Trump Park and was told no. He intends to make sure that the Town does do its due diligence concerning this issue.

Mr. Guilitz, thank you for your information, we will look into it.

Mr. Lieberman, read my letter in the North County News concerning Costco.

Mr. Moskowitz, thank you for your information on Green Yorktown.

Mr. Gardner, thank you for your comments.

Mr. Schroeder, I am concerned about the problems at Legacy Ball Field. He suggested that the Town's Environmental Code Inspector, Michael Dubovsky be sent to the field. He also stated that the Town will continue to do its due diligence on the Stony Street property. He also agreed that the Legacy Ball Field is in the wrong location.

Councilman Martorano responded to issues raised during Courtesy of the Floor:

Mrs. Ziedens, Lou Iannucci is the Chairman of the new Senior Citizens Advisory Committee. He has already emailed me with his ideas concerning the French Hill School. Prevailing wages is a state rule.

Mrs. Wuerth, I believe the Town Board needs to set a time limit on getting this dog park created. We need to have this resolved before the end of the month.

Mr. Lieberman, I don't believe the Town will be destroyed if Costco is approved.

Mr. Gulitz and Mr. Gardner, thank you for bringing this information to our attention.

Mr. Schroeder and Mr. Killeen, I am shocked at the denuding of the land at the Legacy Ball Field. None of this was necessary. He would like the Town to replant trees.

Councilman Murphy responded to issues raised during Courtesy of the Floor:

Mr. Boutross, we in no way wanted to frighten the residents of the Town of Yorktown.

Mrs. Ziedens, I did talk to the Yorktown Central Superintendent Ralph Napolitano last night during his presentation on why French Hill School was being closed. We have agreed that there is a need for more communication between the Town and the School District.

Mrs. Wuerth, come to the Recreation Commission meeting on Thursday, I will be there.

Mr. Lieberman, you are right traffic on Route 202 is already a problem.

Mr. Schroder, thank you for your information about what is going on at the Legacy Ball Field.

Councilman Patel responded to issues raised during Courtesy of the Floor:

Mr. Schroeder, the Legacy Ball Field project is two thirds completed. The rest will be done.

An oil spill is incredibly horrendous. He supports the purchase of the land but the Board must do its due diligence before the sale is completed.

Westchester County Legislator Michael Kaplowitz responded to comments raised about the location of the Legacy Ball Field by stating that this whole discussion is revisionist. Hundreds of people showed up to a meeting in Yorktown to voice their opinion concerning the location of the field. The Department of Environmental Protection is out at the site. Westchester County did this project because the residents of Yorktown wanted new ball fields. He further stated that in order to build a ball field, trees had to come down.

Councilman Martorano stated his concern about the trees on the property were not those on the field, but those that were on the road leading to the field.

APPOINT MAINTENANCE WORKER – MECHANICAL
MICHAEL CARDUCCI
RESOLUTION #52

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

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.

Siegel, Bianco, Murphy, Patel Voting Aye
Martorano Voting Nay
Resolution adopted

APPOINT MAINTENANCE WORKER – MECHANICAL
WILLIAM NEHMZOW
RESOLUTION #53

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

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.

Siegel, Bianco, Murphy, Patel Voting Aye
Martorano Voting Nay
Resolution adopted

APPOINT SEWER MAINTENANCE WORKER
KYLE GULITZ
RESOLUTION #54

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

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.

Siegel, Bianco, Murphy, Patel Voting Aye
Martorano Voting Nay
Resolution adopted

TRANSFER LABORER FROM ENVIRONMENTAL CONSERVATION
TO SEWER DEPARTMENT
FRANK REDINA
RESOLUTION #55

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

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.

Siegel, Bianco, Murphy, Patel Voting Aye
Martorano Voting Nay
Resolution adopted

Councilman Martorano stated that his nay vote in no way reflect on how he feels about these employees. The Councilman stated that there is history behind his decision. He said that he made a promise to someone else to right a wrong done by the Town sometime ago.

PUBLIC HEARING
LOCAL LAW AMENDING CHAPTER 260
RELATING TO COLD WAR EXEMPTIONS

Supervisor Siegel called to order a public hearing to consider amending Chapter 260, Section 260-36 of the Code of the Town of Yorktown by increasing the value of the Cold War Veterans Tax Exemption. The Town Clerk presented affidavits of posting and publication.

Harold Girdlestone, Assessor for the Town of Yorktown stated that in 2008, the Town Board adopted the Cold War Veterans Tax Exemption. Veterans who were honorably discharged between the years September 2, 1945 and December 26, 1991 were now eligible for an exemption. Prior to that, in order to receive a tax exemption, a veteran had to serve during a time of war. In 2009, the New York State Legislature adopted a new law permitting the exemption to be raised. Westchester County adopted the new law last year. The new law would have very little impact on the town's tax roll. The maximum expense would be \$6,000.

Mr. Ed Killeen stated that although he appreciates the gesture, he is opposed to this amendment. He worries about other people who are struggling these days and would have to assume an additional burden. Mr. Killeen stated that he also believes that the dog park should not come about unless it is revenue neutral.

Mr. Gil Kaufman, a Yorktown resident and veteran of the Korean War stated that he receives a small tax exemption. He is totally against what Mr. Killeen said. Cold War Veterans should get an exemption.

Mr. Edward Donovan, a Yorktown resident and veteran stated that he too is against what Mr. Killeen stated. There were many opportunities that people like me could have taken advantage of if we did not go into the military service. This proposal does not directly affect me, but it should be passed.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was Closed, Councilman Bianco motioned, seconded by Councilman Murphy.

LOCAL LAW #1 OF 2010
CHAPTER
RESOLUTION #56

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, a public hearing was held on the 2nd day of February, 2010 pursuant to notice duly published as required by law to consider amending Chapter 260, Section 260-36 of the Code of the Town of Yorktown by increasing the value of the Cold War Veterans Tax Exemption.

SECTION I. Chapter 260, Article X, Section 260-36 of the Code of the Town of Yorktown is hereby amended by increasing the value of the Cold War Veterans Tax Exemption as follows:

ARTICLE X
Cold War Veterans Tax Exemption

§260-36. Exemption granted.

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed \$54,000 or the product of \$54,000 multiplied by the latest state equalization rate or in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A above, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$180,000, or the product of \$180,000 multiplied by the latest state equalization rate, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

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

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

Local Law #1/2010 was thereupon declared adopted.

ADVERTISE BID
WESTCHESTER COUNTY POLICE CONSORTIUM
CROWN VICTORIA MARKED CARS
RESOLUTION #57

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

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.

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

ADVERTISE BID
WESTCHESTER COUNTY POLICE CONSORTIUM
CROWN VICTORIA UNMARKED CARS
RESOLUTION #58

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

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.

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

ADVERTISE BID
WESTCHESTER COUNTY POLICE CONSORTIUM
EXPLORER XLT'S MARKED AND UNMARKED
RESOLUTION #59

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

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.

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

ADVERTISE BID
WESTCHESTER COUNTY POLICE CONSORTIUM
EXPLORER XLT'S MARKED AND UMARKED
RESOLUTION #60

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

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.

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

ADVERTISE BID
WESTCHESTER COUNTY POLICE CONSORTIUM
DODGE CHARGERS MARKED CARS
RESOLUTION #61

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

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.

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

AWARD BID
BODYWORK ON TOWN CARS
RESOLUTION #62

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

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. 1440 Croton Lake Rd. Yorktown Heights, NY 10598	\$30.00 Per Hour	0%
Yorktown Auto Body 1798 Front St. Yorktown Heights, NY 10598	\$40.00 Per Hour	10%

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.

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

AWARD BID
BODYWORK ON TOWN TRUCKS
RESOLUTION #63

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

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

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.

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

REJECT CHAIN LINK FENCE TOWN WIDE
PARKS AND RECREATION DEPARTMENT
RESOLUTION #64

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

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 the matter be rebid on the 2nd day of February, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

REBID CHAIN LINK FENCE TOWN WIDE
PARKS AND RECREATION DEPARTMENT
RESOLUTION #65

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

NOTICE IS HERE 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.

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

RELEASE OF EROSION CONTROL BOND
WP#- E -038-08
RESOLUTION #66

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

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; and

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; 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 \$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.

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

EXTEND ANNUAL MAINTENANCE
AND EMERGENCY ON-CALL SERVICE
TOWN BUILDINGS AND FURNANCES
RESOLUTION #67

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

WHEREAS, bids for Annual Maintenance and On Call Service for Town Boilers and Furnaces 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; so, THEREFORE BE IT

RESOLVED, that the Annual Maintenance and On Call Service For Town Boilers and Furnaces 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.

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

AUTHORIZE SUPERVISOR TO RETAIN
LAW OFFICE OF WORMSER, KIELY, GALEF & JACOBS
JOSEPH FONTE AND LOUISE ROSATO VS. TOWN OF YORKTOWN ET AL
RESOLUTION #68

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

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 confirms its authorization of 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.

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

AUTHORIZE SUPERVISOR TO RETAIN
LAW OFFICE OF WORMSER, KIELY, GALEF & JACOBS
NICHOLAS WITKOWIICH VS. TOWN OF YORKTOWN ET AL
RESOLUTION #69

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

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.

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

LAW OFFICE OF WORMSER, KIELY, GALEF & JACOBS
HOWARD AND ELEANOR FRANK VS. TOWN OF YORKTOWN ET AL
RESOLUTION #70

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

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.

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

APPROVE 2010 TENNIS COURT FEES
PARKS AND RECREATION
RESOLUTION #71

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

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

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

AMEND MEDICAL BENEFITS FOR
ELECTED OFFICIALS #
RESOLUTION #72

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

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

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

AMEND POLICY
CONFERENCE ATTENDANCE AND TRIPS
RESOLUTION #73

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

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.

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

LEGACY BALLFIELD
RESOLUTION #74

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

RESOLVED, that the Town Board requests the Highway Superintendent to commence work on Phase IV of the Legacy Ballfields project as soon as the current tree removal work is completed;

BE IT FURTHER RESOLVED, that the Highway Superintendent keep the Town Board apprised of the progress of the project.

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

APPROVE COMMERCIAL GARBAGE LICENSE
CRP
RESOLUTION #75

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

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

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

REFUND DUPLICATE TAXES
ACCOUNT #1390000
RESOLUTION #76

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2009 Sch 22	26.11-1-24	1390000	\$3,578.11

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

REFUND BUILDING PERMIT FEE
WITHDRAWN REQUEST
SECTION 26.20, BLOCK 1, LOT 21
RESOLUTION #77

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

RESOLVED, that a refund in the amount of \$645.00 be given to Anthony Onofri, Section 26.20, Block 1, Lot 21 for a withdrawn building permit fee.

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

REFERRAL WETLANDS PERMIT
ZEAL CONSTRUCTION – 1719 PARMLY ROAD
RESOLUTION #78

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

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.

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

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

Mr. Boutross completed his prepared remarks. He suggested that the Town Board reconsider its decision and put Eric DiBartolo, the Highway Superintendent back in charge of the water department. He ended his remarks by stating that what the Town of Yorktown needs is consolidation of the Highway and Water Departments.

Mr. Steve Gardner handed members of the Town Board copies of documents including, including a Bill of Sale and canceled check, a copy of which are on file in the Town Clerks Office in the Town Board Minutes file. Mr. Gardner states that the records show that \$184,000 worth of work was done by Envirostar. The bill of sale shows that two trucks were purchased from the Town by Envirostar. In his opinion, this is a gross violation of the Ethics statute by the Highway Superintendent. He also expressed concern that there were no rotating beacon lights on some of the Town's plow trucks.

Mr. Fred Gulitz handed the members of the Town Board copies of various documents, a copy of which is on file in the Town Clerks Office in the Town Board Minutes file. He asked the Town Board in its investigation of these documents to pay close attention to where the oil spills occurred. Were remediation reports ever filed? Did anyone do any drill testing? Why did they have to come back a year later? Why doesn't the Highway Superintendent know the Code of Ethics? He believes the Highway Superintendent has had conflicts of interest, has committed collusion and malfeasance. He spoke about the history of Envirostar which was started by the Highway Superintendent's brother Frank. It is now under the direction of Frank's wife and Eric DiBartolo's older brother Mark.

Mrs. Anne Kutter thanked the members of the Town Board for all their hard work.

Mr. Sean Murphy handed the members of the Town Board a letter outlining his proposal for Shallow Creek Golf Course, a copy of which is on file in the Town Clerk's Office in the Town Board Minute file. He thanked the Town Board for scheduling him to appear before them at a future work session.

Mr. Edward Ciffone stated that the Town purchased land on Stony Street for \$2.7 million. He didn't want to see anyone getting retirement benefits if they are not entitled to them. New York taxpayers already pay \$30 million for these benefits.

Mr. Edward Killeen continued his discussion about reopening contract discussions with Westchester County over the Legacy Ball Field. He said as long as both parties agree, negotiations can be reopened. He further stated that it would be cheaper for the Town to do the work at Legacy Ball Field.

Mr. Gregory Bernard asked what is the next step if the Highway Superintendent refuses to complete the work at the Legacy Ball Field.

Mr. Steve Gardner spoke to the Town Board about a particular piece of equipment, the Liebherr 942 Excavator which he says sits on the hill at the Town's sewer plant. It has been there for five years. Machine has not done any work for the Town. Are we collecting rent from the machine's owner? Mr. Gardner also spoke about a \$250,000 paving machine which he says sits in the snow and has been pushed back into the weeds. This type of machine should last twenty (20) years. He further stated that this machine should never have been allowed to fall into this state of disrepair.

Mr. Gulitz thanked several town departments for all of the help in answering is Freedom of Information requests.

COURTESY OF THE FLOOR CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to issues raised during Courtesy of the Floor:

Mr. Boutross, the Town Board gave a lot of consideration before making its decision about the Water Department. We felt that the problems began after Ed Noonan, the former Water Superintendent retired. The Town Board is looking into the merger of the Planning Department, Engineering Department and Building Department. The previous merger of the Water Department was done hastily.

Mr. Gardner, you have raised a lot of issues that we will have to look into. We have looked at the Ethics Code and found it to be deficient in many areas. Most restrictions involve members of the Town Board. We will look at amending the law and appointing new members of the Ethics Board.

Mr. Guilitz, we will look into your concerns.

Mr. Ciffone, we already addressed the Granite Knolls issue. I'll talk to you privately at the end of the meeting.

Mr. Killeen, we spoke about this issue earlier.

Mr. Bernard, we are hoping the Highway Superintendent will resume work at the ball fields. We are looking at 6-8 weeks of grading. The only other option to get this work done is that the County will do the work and the Town will pay \$350,000.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown