

Regular meeting held by the Town Board,
Town of Yorktown on February 21, 2012 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

Present: Michael Grace, Supervisor
Nicholas Bianco, Councilman
Terrence Murphy, Councilman
Vishnu Patel, Councilman
David Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss Personnel.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace 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 THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace stated that Thursday, February 23, 2012 the Town will be holding a forum with regards to Economic Development along the Route 202 corridor. They will receive comment from Stakeholders along the corridor and others are welcome to observe. The meeting will be from 10:00 AM until 12:00 PM. Supervisor Grace stated that he would be sponsoring a hypnotist on Friday, February 24, 2012 to quit smoking and for weight loss at the Town Hall beginning at 6 PM. Supervisor Grace noted that because of the Emergency Preparedness meeting the Beaver Ridge Senior Complex now has an evacuation plan and generator that will run partial lighting, heating/ac and one elevator. Supervisor Grace mentioned that the Relay for Life will use food cans to place in the bags for the illumination ceremony, those cans will be donated to the pantry when they are done. Supervisor Grace stated that a Farmer's Market will be coming to town soon.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco announced that both Yorktown and Lakeland School District now have their own Education Channels. Yorktown School District will be on Channel 18, Lakeland School District will be on Channel 35.

Councilman Patel stated that he attended a Cub Scout moving up ceremony. He noted that the generators for the YCCC are coming along. He spoke about the senior center renovations at the YCCC.

Councilman Patel spoke about fluoride in the water from the North Westchester Joint Water Works.

Councilman Paganelli stated that he attended the Association of Towns Conference in New York City. He also spoke about a recycling program where bins can be set up in the town and resident would be able to throw out computers and televisions all year long rather than wait for County pick up days. Councilman Paganelli spoke about Granite Knolls and stated that it was almost complete and he thanked Highway Superintendent Eric DiBartolo and the Highway Department for all the work that they have done there.

COURTESY OF THE FLOOR

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

Mr. Raymond Arnold spoke about the history of the Route 202 Corridor and gave information to the Town Board which is on file in the Town Clerk's office for public review during normal business hours.

Mr. Paul Moskowitz stated that the economic development meeting is a good thing but wanted to know why the meeting was not advertised since a quorum of the town Board will be present.

Supervisor Grace stated that this is a forum not a Town Board meeting.

Mr. Gil Kaufmann stated that he wanted to recognize the AARP for all the help that they provide to the seniors in preparing their income taxes. These services are provided free of charge.

Mr. Patrick Cumiskey stated that he had several questions regarding the bid for containers to be used in the demolition of the buildings located at the Holland Sporting Club. He believes the bid specifications do not accurately account for the correct number of containers needed. He stated that he will be of assistance to the town and they can contact him.

Supervisor Grace explained that he drafted the bid specifications along with Former Town Engineer Dan Ciarcia and Highway Superintendent Eric DiBartolo.

Highway Superintendent Eric DiBartolo stated that the estimates on the containers was achieved by his experience with taking down other town buildings, he feels that the town has the correct equipment and they will be able to take down these buildings with the number of containers listed in the bid document.

Mr. Patrick Cuminsky asked if a letter was written to the lowest bidder asking for an extension on the bid quote for the demolition work.

Councilman Bianco asked how many days do you think it will take to bring down all the buildings and asked if there is a cost estimate on the project.

Highway Superintendent Eric DiBartolo stated that it should take 3 to 4 days with to equipment operators.

Councilman Murphy stated that this will get done.

Councilman Patel asked about the wood chips and if they would be used to fill in the foundations of the buildings, would they be safe.

Highway Superintendent Eric DiBartolo stated that we use wood chips in many of the town parks where children play and they are safe.

Mrs. Susan Siegel asked about the pending foreclosures. A copy of her questions and comments are on file in the town Clerk's office for review during normal business hours.

Supervisor Grace stated that he would not throw residents out of their homes. We will be addressing this issue at a future Town Board meeting.

Councilman Bianco stated that he would get the information that Mrs. Siegel is requesting.

COURTESY OF THE FLOOR IS CLOSED

BID AWARD SWEATSHIRTS
HIGHWAY DEPARTMENT
RESOLUTION#66

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

WHEREAS, said bids were received and opened on the 17th day of February 2012, with the bid amounts as follows:

**SPORTS BARN, INC.
2918 Crompond Road
Yorktown Heights, NY 10598**

Double Thick – 24oz 90% cotton 10% polyester Zipper Sweatshirts w/hoods Sizes M, S, L, XL, 2XL Color: Black		\$64.75 /per sweatshirt
	XXL	\$69.50 /per sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Zipper Sweatshirts w/hoods Size 3XL only Color: Black		\$74.50 /per 3XL sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Pullover Sweatshirts w/hoods Sizes M, S, L, XL, 2XL Color: Black		\$62.25 /per sweatshirt
	XXL	\$67.00 /per sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Pullover Sweatshirts w/hoods Size 3XL only Color: Black		\$72.00 /per 3XL sweatshirt

**S & H UNIFORM CORPORATION
One Aqueduct Road
White Plains, NY 10606**

Double Thick – 24oz 90% cotton 10% polyester Zipper Sweatshirts w/hoods Sizes M, S, L, XL, 2XL Color: Black		\$75.00 /per sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Zipper Sweatshirts w/hoods Size 3XL only Color: Black		\$85.00 /per 3XL sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Pullover Sweatshirts w/hoods Sizes M, S, L, XL, 2XL Color: Black		\$74.00 /per sweatshirt
Double Thick – 24oz 90% cotton 10% polyester Pullover Sweatshirts w/hoods Size 3XL only Color: Black		\$84.00 /per 3XL sweatshirt

now therefore be it

RESOLVED, that upon the recommendation of the Highway Superintendent, the 2012 bid for Sweatshirts for the Highway Department be and is hereby awarded to Sports Barn, Inc. the low bidder.

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

RELEASE WETLAND BOND

#WP-014-04

RESOLUTION#67

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

WHEREAS, Grigory Kravtsov, as applicant, heretofore filed an Erosion Control Bond in the sum of \$350.00, which was deposited into the T33 Account on September 23, 2004, covering Wetland Permit #104-04, for work performed at 2358 Broad Street, 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 \$350.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$350.00 be and is hereby released to Mr. Grigory Kravtsov, 2358 Broad Street, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND

#E-052-08

RESOLUTION#68

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

WHEREAS, Celestial Route 6 Associates, as applicant, heretofore posted Check No. 172 in the amount of \$6,500.00 (\$500.00 deposited to T33 account for erosion control for permit #E-052-08 & \$6,000.00 to T90 account for inspection fees for permit #E-008-08) on October 22, 2008, and

WHEREAS, \$500.00 of this money was posted for soil remediation work for Excavation Permit #E-052-08, and

WHEREAS, the land disturbance for soil remediation work is complete, and

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

RESOLVED, that the above-described Erosion Control Bond in the amount of \$500.00 be and is hereby released to Celestial Route 6 Associates, 10 East 40th Street, Suite 3210, New York, NY 10016, Attn: Mr. Mark Ellman.

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

BOND RELEASE SITE PLAN

JP FRONT STREET, INC.

RESOLUTION #69

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

WHEREAS, Rick DeCola, as applicant for J.B. Front Street, provided the Town with Check No.0925974, in the amount of \$5,000.00, which was deposited into the T-33 account on June 15, 2007, to serve as the Erosion Control Bond for the JB Front Street/Heights Self-Storage Facility Site Plan, located on Front Street, and

WHEREAS, Deco Construction, Inc., as applicant, provided the Town with Ohio Casualty Insurance Company Wetland Bond No. 3-871-276, in the amount of \$1,500.00, to serve as the Wetland Bond for Wetland Permit #WP-001-05, for the JB Front Street/Heights Self-Storage Facility Site Plan, and

WHEREAS, Deco Construction, Inc., as applicant, provided the Town with Ohio Casualty Insurance Company Bond No. 3-871-277, in the amount of \$2,500.00, to serve as the Erosion Control Bond for Excavation Permit #E-001-05, for the JB Front Street/Heights Self-Storage Facility, and

WHEREAS, Rick DeCola, as applicant, has requested that the above mentioned bonds be released as all work is completed, and

WHEREAS, the above referenced bonds for Wetland Permit #001-05 and Excavation Permit #001-05 have since expired, therefore, the Erosion Control Bond is the only money eligible for return, 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 above referenced bonds may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bonds are hereby released to Rick DeCola, JB Front St., Inc., 300 Richard Place, Yorktown Heights, NY 10598.

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

PERFORMANCE BOND REDUCTION
ROUTE 6 OFFICE DEVELOPMENT #2
RESOLUTION#70

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

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Liberty Mutual Insurance Company Performance Bond #837026790, in the amount of \$475,053.00, to serve as the Performance Bond (site estimate bond) for the Route 6 Office Development Site Plan, located on Route 6 and Mohegan Avenue, which was accepted at the Town Board Meeting of February 24, 2009, and

WHEREAS, the Performance Bond was reduced at the Town Board meeting of March 2, 2010 to \$191,051.00, and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 180 in the amount of \$10,000.00 to serve as the Erosion Control Bond (site estimate bond) for the Route 6 Office Development Site Plan, which was deposited into the T33 account on November 21, 2008, and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 160 in the amount of \$10,000.00 to serve as the Erosion Control Bond for Excavation Permit #E-008-08, for the construction of three structures (only two have been built to date) and for the relocation of the driveway, which was deposited into the T33 account on October 22, 2008, and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 172 in the amount of \$6,000.00 to serve as the escrow monies for inspections of the site for Excavation Permit #E-008-08, which was deposited into the T90 account on October 22, 2008, and

WHEREAS, Celestial Route 6 Associates, as Principal, has requested a second bond reduction, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined public improvements have met Town

requirements for the first two lots, but construction on the third lot is not yet complete, therefore, a second bond reduction has been completed and all other securities held, and

WHEREAS, the Acting Town Engineer has said that the Performance & Erosion Control Bonds may be reduced, NOW, THEREFORE BE IT

RESOLVED, that said Performance Bond is reduced to \$0 (\$191,051.00 back to developer) and, BE IT FURTHER

RESOLVED, the Erosion Control Bond is reduced to \$3,000.00 (\$7,000.00 back to developer) and, BE IT FURTHER,

RESOLVED, that a Performance Bond will be required prior to the issuance of a Building Permit for the construction of the third structure, NOW, THEREFORE BE IT

RESOLVED, that all remaining monies will be held in full force and effect until the third and final structure is built.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH MOTT TANK FOR INSPECTION TO PREPARE SPILL PREVENTION REPORTS FOR JUNIOR LAKE POOL AND BRIAN J. SLAVIN AQUATIC FACILITY FOR \$5,100
RESOLUTION#71

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

WHEREAS, the Town of Yorktown requires a current Spill Prevention Report for the Junior Lake Pool and the Brian J. Slavin Aquatic Facility in accordance with the New York State Department of Environmental Conservation Chemical Bulk Storage Regulations [6 NYCRR § 598.1(k)]; and,

WHEREAS, the Town requires an inspection of one (1) 1,200 gallon polyethylene tank located at Junior Lake Pool in order to comply with New York State Department of Environmental Conservation regulations pertaining to a mandated five (5) year inspection [6 NYCRR § 598.7(d)]; therefore,

BE IT RESOLVED, that the Town Supervisor is authorized to enter into an agreement in the amount of \$5,100.00 with Mott Tank Inspection, Inc, to prepare Spill Prevention Reports for the Junior Lake Pool and the Brian J. Slavin Aquatic Facility and to perform the 5-year tank inspection as indicated above,

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

AUTHORIZE SUPERVISOR TO UPDATE ITS AGREEMENT WITH EDWARDS AND KELSEY TO PROVIDE TRAFFIC ANALYSIS AND INDIVIDUAL PROJECT PROPOSALS ON AN AS NEEDED BASIS – JACOBS ENGINEERING GROUP
RESOLUTION#72

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

WHEREAS, the Town of Yorktown has participated in the Routes 202/35/6/BMP Sustainable Development Study, which focused on traffic and land use issues in the northwest quadrant of Yorktown; and

WHEREAS, Edwards & Kelcey, a professional planning firm, performed the planning and traffic analysis for the study, and created a comprehensive traffic model for the study area; and

WHEREAS, the traffic model for the area is useful as a tool to analyze individual development proposals pursuant to the findings of the Sustainable Development study, and will improve the ability of the Town of Yorktown to effect the findings of said study; and

WHEREAS, the Town Board authorized the Town Supervisor to execute an agreement with Edwards & Kelcey on May 16, 2004 to perform traffic analyses on individual project proposals, on an as needed basis, using the traffic model created during the study; and

WHEREAS, Edwards & Kelcey was purchased by Jacobs Engineering Group, Inc., a professional planning and engineering firm, and has assumed responsibility under said agreement; and

WHEREAS, Jacobs Engineering Group, Inc., has sought to update its agreement with the Town of Yorktown to provide traffic analyses on individual project proposals, on an as needed basis, using the traffic model created during the Sustainable Development Study; and

WHEREAS, the requested updates have been reviewed and accepted by the board; now therefore be it hereby

WHEREAS, the Town of Yorktown has participated in the Routes 202/35/6/BMP Sustainable Development Study, which focused on traffic and land use issues in the northwest quadrant of Yorktown; and

WHEREAS, Edwards & Kelcey, a professional planning firm, performed the planning and traffic analysis for the study, and created a comprehensive traffic model for the study area; and

WHEREAS, the traffic model for the area is useful as a tool to analyze individual development proposals pursuant to the findings of the Sustainable Development study, and will improve the ability of the Town of Yorktown to effect the findings of said study; and

WHEREAS, the Town Board authorized the Town Supervisor to execute an agreement with Edwards & Kelcey on May 16, 2004 to perform traffic analyses on individual project proposals, on an as needed basis, using the traffic model created during the study; and

WHEREAS, Edwards & Kelcey was purchased by Jacobs Engineering Group, Inc., a professional planning and engineering firm, and has assumed responsibility under said agreement; and

WHEREAS, Jacobs Engineering Group, Inc., has sought to update its agreement with the Town of Yorktown to provide traffic analyses on individual project proposals, on an as needed basis, using the traffic model created during the Sustainable Development Study; and

WHEREAS, the requested updates have been reviewed and accepted by the board; now therefore be it hereby

RESOLVED, the Town Board authorizes the Supervisor of the Town of Yorktown to execute an updated consulting contract with Jacobs Engineering Group, Inc., formerly known under the agreement as Edwards & Kelcey, for the purpose of continuing to provide traffic consulting services on an as needed basis to perform traffic analyses for individual project proposals, the costs thereof to be determined for each project pursuant to a schedule of hourly rates provided within the agreement; and be it further

RESOLVED, that the costs, where applicable, shall be charged to, and borne by, each individual projects' applicant or sponsor.

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

AUTHORIZE JACOBS ENGINEERING GROUP TO ANALYZE THE TRAFFIC IMPACTS OF THE COMMERCIAL DEVELOPMENT KNOWN AS COSTCO
RESOLUTION#73

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

WHEREAS, the Town Board of the Town of Yorktown desires to study the traffic impact of a commercial development known as Costco, proposed on the north side of Route 202, a state highway, immediately west and abutting the Taconic State Parkway, as it relates to the Route 202/35/6/BMP Sustainable Development Study; and

WHEREAS, Jacobs Engineering, formerly known as Edwards & Kelcey, a planning & traffic consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on March 16, 2004, and updated by resolution on February 21, 2012; and

WHEREAS, Jacobs Engineering has submitted a proposal to provide the traffic analysis for this commercial development, pursuant to said on-call agreement for an amount not to exceed \$9,000 for the traffic analysis which includes appearance at one Town meeting; now therefore

BE IT HEREBY RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Jacobs Engineering under the on-call agreement between them and the Town of Yorktown, for the purpose of analyzing the traffic impacts of the commercial development known as Costco, in an amount not to exceed \$9,000.

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

APPROVE COMMERCIAL GARBAGE LICENSE
MID-HUDSON WASTE
RESOLUTION#74

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

RESOLVED, the Town Clerk is authorized to issue a renewal commercial garbage license to Mid-Hudson Waste for the year 2012.

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

APPROVE COMMERCIAL GARBAGE LICENSE
CRP SANITATION
RESOLUTION#75

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

RESOLVED, the Town Clerk is authorized to issue a renewal commercial garbage license to CRP Sanitation for the year 2012.

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

EXTEND MICROFILM AND MICROFICHE READER/PRINTER MAINTENANCE,
REPAIR AND SUPPLIES CONTRACT
RESOLUTION#76

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

WHEREAS, bids for the Microfilm and Microfiche reader/Printer Maintenance, repair and Supplies received and opened on March 21, 2011; and

WHEREAS, said bid was awarded to Metro Imaging, Inc. 10 Merry Lane, East Hanover, NJ 07936; and

WHEREAS, the town has the option to extend said bid for one additional year; and

WHEREAS, said bid commenced April 1, 2011 through March 31, 2012 with additional Year beginning April 1, 2012 through March 31, 2013; SO THEREFORE BE IT

RESOLVED, that the Town Clerk hereby recommends to the Town Board that the Town exercise its option to renew the contract per the terms of the bid; and be it

FURTHER RESOLVED, the date of the extension will commence April 1, 2012 through March 31, 2013.

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

RATIFY THE STIPULATION OF SETTLEMENT BETWEEN THE TOWN OF YORKTOWN AND POLICE DEPARTMENT SIGNED BY SUPERVISOR RELATING TO OVERTIME PAY
RESOLUTION#77

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

RESOLVED, that the Town Board does hereby ratify the stipulation of settlement of the grievance filed by the Yorktown Policemen's Benevolent Association, as signed by former Supervisor Susan Siegel for the Town on June 29, 2011.

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

AMEND WETLANDS PERMIT
CREATIVE LIVING BALL FIELDS
RESOLUTION#78

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

RESOLVED, the Town Board approves an amendment to Wetlands and Excavation Permit: WP-E-010 issued to Creative Living Development Inc. include the construction of 4 baseball dugouts as shown on page C-401 on plans prepared by Site Design Consultants last modified on 2/8/12 and on the building construction plans drawn on 2/9/12 by Site Design Consultants, and

BE IT FURTHER RESOLVED, that this amended permit does not absolve the applicant from obtaining any other permits or approvals from any other regulatory agency having jurisdiction over this project.

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

APPROVE SETTLEMENT IN THE MATTER OF THE FAIR HOUSING JUSTICE CENTER AND THE TOWN OF YORKTOWN
RESOLUTION#79

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

RESOLVED, the Town Board approves the settlement in the matter of the Fair Housing Justice Center and the Town of Yorktown (10-CIV-9337 (KMK)) and hereby authorizes the Town's litigation counsel in this matter, the law firm Bleakely Platt & Schmidt, to sign the Consent Decree, the Stipulation and Order of Dismissal and an agreement to refer disputes that may arise between the parties under the consent decree to Magistrate Judge Lisa Margaret Smith.

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

RESIGNATION
CHARLOTTE TARKIN – JUSTICE COURT

The Town Board accepted with regret the resignation from Charlotte Tarkin from the Yorktown Justice Court.

COURTESY OF THE FLOOR

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

No Public Comment.

COURTESY OF THE FLOOR IS CLOSED

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss Personnel.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown