

Regular meeting held by the Town Board,  
On May 15, 2012, held at the Town Hall, 363 Underhill Avenue  
Yorktown Heights, NY

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

#### TOWN BOARD MEETING

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

#### PLEDGE OF ALLEGIANCE

Eagle Scout Steve Anderson 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 thanked Lisa Grace for all the work she did in preparing for the reopening of the Senior Center. He thanked several organizations for their generous donations. He spoke about the Relay for Life fundraiser "Dancing with the Stars" which was a great event. Community Day had a great turn out and thanked the Alliance for Safe Kids (ASK) for doing a marvelous job putting it together. He thanked the Fire Departments, Ambulance Corps., and Yorktown Police Department for attending as well as several restaurants for contributing to the event. Supervisor Grace explained that on May 11, 2012 an Emergency Meeting of the Town Board took place at the reopening of the Senior Center to address asbestos clean up for a roof that had collapse at the Holland Sporting Club site. Supervisor Grace stated that there are several posters hanging up in the board room from children that participated in the Arbor Day celebration.

#### DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco reminded everyone that tonight is the School District Budget vote and urged everyone to vote in their respective school districts. He also stated that an IHOP restaurant was coming to Mohegan Lake sometime in June.

Councilman Murphy congratulated all the volunteers that help make Community Day a success. He stated that the Farmer's Market will be opening this Saturday behind the Yorktown Fire House. Councilman Murphy stated that Indian Point will be doing a siren test tomorrow. He also stated that if you received a letter from the Department of Health and Human Resources requesting information it is not a prank.

Councilman Patel stated that the Arbor Day Celebration was a success. He attended the Westchester Municipal Officials Association meeting. He spoke about the FDR clean up day, dedication of the walking bridge over the Taconic State Parkway and the Museum exhibit coming up.

### PRESENTATION

Supervisor Grace acknowledged Dr. Daniel Lefkowitz, member of Yorktown Utilities Oversight Committee for being the recipient of the 2012 EPA Environmental Quality Award.

Dr. Daniel Lefkowitz explained that he received this award for his work in exposing PCBs in schools.

Dr. Patricia Podolak, Chair, Utilities Oversight Committee, spoke about Dr. Lefkowitz achievement and congratulated him on receiving this award.

Police Officer Larry Eidelman gave a presentation on the Citizens Emergency Response Team (CERT). He stated that this program will begin with a kick off meeting in June. Anyone interested in participating should contact him at 962-4141, x163, or by email leidelman@yorktownpd.org.

Mrs. Lorraine DeSisto, Assistant Planner spoke about a resolution to apply for a grant to the New York State Department of Transportation for bus transportation for the elderly and people with disabilities.

### COURTESY OF THE FLOOR

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

Mr. Paul Moskowitz stated that the Energy Advisory Committee will be hosting a forum on the NYSERDA Grants on May 21, 2012 at 7:30 PM at the Town Hall.

Mr. Jonathan Nettlefield spoke on behalf of the Yorktown Community Dog Park and asked the Town Board to clarify something that was said at a recent Recreation Commission meeting with regards to leasing the New York State Trump State Park. He wanted to know if it was true that the Town only wanted to lease a small portion of the property rather than the entire 153 acres.

Supervisor Grace stated that we are working on this and noted that former Supervisor Linda Cooper is the new Taconic Region Commissioner for the Office of New York State Parks, Recreation and Historical preservation.

Ms. Renee Fogarty spoke about creating a Department of Public Works (DPW). She would like a referendum on the November ballot to eliminate the elected position of Highway Superintendent.

Supervisor Grace stated that he has no problem with discussing this at a work session.

Mr. Steve Gardner spoke against having an appointed person in charge of Highway and supports keeping the Elected Highway Superintendent position.

Mr. Chris Sciarra stated that there are some residents who are concerned about moving the Highway Department to Greenwood Street which is a residential area.

Supervisor Grace stated that this is really in the pros and cons stage and a lot more information has to be gathered.

Mr. Steve Gardner spoke about being able to vote for public servants, he feels that there is better accountability to residents when the Highway Superintendent is an Elected position.

Supervisor Grace stated that there are two sides to this issue. We can discuss it at a future work session.

#### PUBLIC HEARING

#### RECONVENE PROPOSED LOCAL LAW AMENDING CHAPTER 300 – ADDING HELISTOPS AS AN ACCESSORY USE IN AN OB DISTRICT AND GRANTING TO THE TOWN BOARD APPROVAL OVER DEVELOPMENT IN OB DISTRICTS

Supervisor Grace called to order a public hearing to to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” to add helistops as an accessory use in OB districts subject to certain standards; and granting to the Town Board approval authority over development in OB districts. The Deputy Town Clerk presented affidavits of posting and publication.

Supervisor Grace stated that this proposed local law has had some language changes and he suggested withdrawing it and re-advertising this proposed local law with the new verbiage.

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

To reject the proposed local law.

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

#### PUBLIC HEARING

#### REQUEST FOR AN AMENDED SPECIAL USE PERMIT - MID VALLEY OIL CO. (BP GASOLINE) – 1917 COMMERCE STREET, YORKTOWN HEIGHTS, REMOVAL AND REPLACEMENT OF STORAGE TANKS AND DISPENSERS

Supervisor Grace called to order a public hearing to consider the application of Mid Valley Oil Co. (BP Gasoline) located at 1917 Commerce Street, Yorktown Heights, NY 10598. Remove two 6,000 gallon steel and one 4,000 gallon steel gasoline underground storage tanks, remove one 500 gallon steel used oil UST, and remove one 500 gallon steel fuel oil UST. All associated piping and gasoline dispensers will be removed. Replace with two double wall

fiberglass 8000 gallon gasoline USTs with new dispenser and one 500 gallon above ground fuel oil tank. The Deputy Town Clerk presented affidavits of posting and publication.

A representative from Drake Petroleum Company gave the Town Board an overview of the proposed work to be done at 1917 Commerce Street (Mid Valley Oil Co.) He explained that they would be removing two 6,000 gallon steel and one 4,000 gallon steel gasoline underground storage tanks, and one 500 gallon steel used oil underground storage tank, and one 500 gallon steel fuel oil underground storage tank. They will be replacing these tanks with two double wall fiberglass 8000 gallon gasoline underground storage tanks with new dispenser and one 500 gallon above ground fuel oil tank

Mr. Howard Frank had some concerns regarding this proposed application and stated that he believes this property is in the Urban Renewal area.

Supervisor Grace explained that several committees and Building Inspector John Winter has reviewed this application with no issue.

The applicant stated that their plan was revised so that there was no intrusion on Town property.

Supervisor Grace explained that the application is only to replace existing tanks.

Mr. Howard Orneck stated that the Town Board should look at the Zoning Board Variance for this property.

Supervisor Grace stated that the Town Board took back approval authority for gasoline stations many years ago.

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

AMENDED SPECIAL USE PERMIT - MID VALLEY OIL CO. (BP GASOLINE)  
1917 COMMERCE STREET, YORKTOWN HEIGHTS, REMOVAL AND  
REPLACEMENT OF STORAGE TANKS AND DISPENSERS  
RESOLUTION #182

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

WHEREAS, on February 17, 2012, Drake Petroleum Company, Inc. (formerly known as Mid Valley Oil Co.) (“Applicant”) filed an application with the Building Department for a building permit to renovate, alter and replace existing exterior site elements at a gasoline filling station, including new pump islands, dispensers, fire suppression equipment, signage and fuel storage tanks (above and underground), on a property located at 1917 Commerce Street, Yorktown Heights, which is identified on the Town of Yorktown tax rolls as Section 37.18 Block 2 Lot 65; and

WHEREAS, Section 300-46, requires any new gasoline filling station a special use permit and site plan approval from the Town Board; and

WHEREAS, the Applicant's gasoline filling station was built prior to the effective date of Section 300-46; and

WHEREAS, Applicant was directed by the Building Department to apply for a special use permit for its gasoline filling station and site plan approval from the Town Board pursuant to Section 300-46, including the proposed work for which Applicant needs a building permit; and Applicant paid an application fee of fifteen hundred dollars (\$1,500.00) for a gasoline filling station special use permit as required by Sections 300-247B and 168-1 of the Town Code; and

WHEREAS, the Applicant has represented to the Town Board that it is the lawful owner of said property; and

WHEREAS, the applicant has submitted as part of his application the following documents:

1. A survey dated June 20, 2007, prepared by Thomas F. Miller, Control Point Associates, Inc. for Warex Terminals Corporation;
2. Plans entitled; "Tank and Piping Plan" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (TK-1) (1 sheet), and
3. Plans entitled; "Fire Suppression System" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (FS-1) (1 sheet)z, and
4. Plans entitled; "Tank & Piping Standards" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (UST-1.0, UST-2.0, and UST-3.0) (3 sheets), and

WHEREAS, said application was referred to the following agencies:

ABACA  
Building Inspector  
Conservation Board  
Planning Department  
Planning Board  
Town Engineer

WHEREAS, the Town Board declared itself lead agency and reviewed the application at a regularly scheduled meeting on April 10, 2012; and

WHEREAS, the Town Board conducted a public hearing and solicited public comment at a regularly scheduled meeting on May 15, 2012; and

WHEREAS, as the Town Board determined that there would be no significant environmental impact, the public hearing was closed May 15, 2012; and

WHEREAS, the action is a Type II action pursuant to SEQR 6 NYCRR Part 617 and as such this action has been determined not to have a significant impact on the environment and is precluded from additional environmental review under Article 8,

NOW THEREFORE BE IT RESOLVED, upon full consideration of the above, the Town Board finds that the application of Drake Petroleum Company, Inc. (formerly known as Mid Valley Oil Co.) for a Special Use Permit for a gasoline filling station as built and as

proposing to do additional work as described above is consistent with the provisions and policies of Chapter 300 of the Code of the Town of Yorktown; and

BE IT FURTHER RESOLVED, that the Town Board approves the issuance of a Special Use Permit to Applicant subject to the following conditions:

- a) All construction shall be in full accordance with the following plans and reports:
    1. Plans entitled; "Tank and Piping Plan" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (TK-1) (1 sheet); and
    2. Plans entitled; "Fire Suppression System" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (FS-1) (1 sheet); and
    3. Plans entitled; "Tank & Piping Standards" prepared by Alan J. Micale, P.E., for Warex Terminals Corporation dated February 10, 2012, revised 3/30/2012 (UST-1.0, UST-2.0, and UST-3.0) (3 sheets)
  - b) Prior to any site disturbance and the issuance of a building permit from the Town of Yorktown Building Inspector, the following must be provided:
    1. Westchester County Department of Health permit to remove existing petroleum bulk storage tanks and install new tanks and to operate tanks.
  - c) An as-built map must be provided by the applicant's consulting engineer or architect documenting that all site improvements have been installed in accordance with the approved plans prior to the issuance of a certificate of occupancy.
  - d) Any illicit discharges discovered during the project must be corrected prior to the issuance of a certificate of occupancy.
  - e) Construction on the site shall not commence until a Town of Yorktown Building Permit, Westchester County Department of Health approval for installation of petroleum bulk storage permit and NYSDEC has been satisfied.
- and

BE IT FURTHER RESOLVED, that unless a building permit has been issued within 360 days of the date of this resolution, this approval will be null and void.

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

CONVENE PUBLIC HEARING  
CHANGE OF ZONE – THE WINERY AT ST. GEORGE’S PROPERTY KNOWN ON THE  
TAX MAP AS SECTION 15.12, PARCEL 2, LOT 53  
FROM -120 TO A TRANSITIONAL ZONE

Supervisor Grace called to order a public hearing to consider the application of the Winery at St. George, pertaining to a request to amend the Town of Yorktown Zoning Ordinance and Zoning Map, and, for related land use as it pertains to lands located at 1715 East Main Street, the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.12, Parcel 2, Lot 53 totaling approximately .75 acres. The petition is for Rezoning of the subject property from the R1-20 Zoning District into the Transitional District. The Deputy Town Clerk presented affidavits of posting and publication.

Supervisor Grace stated that this application is a request to rezone property from Residential to Transitional Zone. He explained that Transitional Zones are certain sites that due to their location are between incompatible land uses.

Mr. Jeffrey Econom, Engineer for the applicant stated that the Planning Board has approved this site plan which improves traffic flow, provides parking and cleans up the wetlands.

He explained that twelve parking spaces would be created on Town property in the wetlands buffer area.

Supervisor Grace explained how the Town acquired the Ardizzone parcel. He further stated that the Town can make a municipal parking lot on Town property.

Thomas DeChiaro, applicant stated that this site plan evolved from meetings with the Conservation Board and Planning Board. It provides for safer egress, cleaning of the wetlands buffer and adds treatments to the Route 6, DOT property to help with drainage.

Councilman Bianco read comments received from the Conservation Board and are on file in the Town Clerk's office.

Mr. Jeffrey Econom stated that those comments were directed at a earlier site plan and this plan has been changed to reflect those comments.

Mr. Thomas DeChiaro stated that this area is an eyesore and he would like to clean it up and have a statue of St. George erected at the site.

Councilman Murphy stated that this plan improves the egress.

Mr. Mark Michaels spoke about the application for rezoning the property. He stated that the EAF does not reflect a Transitional Zone but a Commercial Zone and this should be updated to reflect the correct zone. He feels the application is incomplete and that allowing use of the parkland for a private use would be an alienation of parkland.

Mr. Paul Moskowitz spoke about a case of parkland being alienated in New York City. He feels that the Town Board should adhere to the law and not use parkland for a private parking lot.

Supervisor Grace asked Mr. Moskowitz what if the Town builds a parking lot to access the parkland.

Mr. Paul Moskowitz stated that his concept of parkland is not the same and this parkland should be preserved because it is part of a greater ecosystem.

Supervisor Grace stated that there is a value in cleaning up the wetlands.

Mr. Moskowitz stated that if the wetlands needs to be cleaned up then the Town should pay to have it done.

Mr. Stuart Glass stated that the Town should request an opinion from the New York State Attorney General's Office on this issue.

Mr. Anthony Grasso stated that the Town Board took this property through Eminent Domain procedures and the Judge even referred to it as parkland. He served on the Town Board during this time and feels that the intent of the Board was to dedicate it parkland. He likes the Winery at St. George but there should be no intrusion on the wetlands.

Mr. John Schroeder stated that parkland should not be used for non park purposes. He feels a Master Plan should be done and it should be carefully thought out. If the wetlands need to be restored then the Town should clean it up.

Supervisor Grace stated that the Town has owned this property for the last twenty years and has done nothing to clean it up. Public-private partnerships are sometimes good and the Town gets a major improvement.

Mr. John Schroeder stated that he has cleaned up this Town for many years, if the wetlands needs to be cleaned up then the Town should do it. He feels this is alienation of parkland.

Councilman Bianco stated that he agrees with Mr. Schroeder there needs to be more details, no land swap because this is parkland. He suggested taking this in two parts: The rezoning and then the parking issue.

Mr. Jeff Econom stated that the Town has made parking areas in buffers before and feels this can be done.

Mr. William Muscata stated that everyone here is an environmentalist with their own agenda, this piece of property represents business, the applicant is willing to use his own money to clean it up. Why wouldn't we want this to be done.

Councilman Bianco would like to see the final revised site plan.

Mr. Chris Sciarra stated that he hired Jeffrey Econom and finally something is getting done with this property.

Conservation Board Chair Phyllis Bock stated that the Conservation Board has not seen this revised site plan. She suggested that the applicant come to the next Conservation Board meeting.

Mr. Patrick Cuminsky asked how you know if this wetlands is doing its job.

Councilman Bianco stated this revised site plan should have Conservation Board approval.

Mr. William Primavera stated that from an aesthetic standpoint this needs to be done and from an accessibility standpoint it needs to be done.

Mr. Tony Fusco spoke in favor of the application.

Ms. Edwina Rand spoke in favor of the application.



Mr. Jason Jackman spoke in favor of the application.

Mr. Steve Traverse spoke in favor of the application.

Mrs. Babette Ballinger stated that she has no objection but believes in the process. Be prudent in handling.

Mr. John Rabino stated that he is please with work that the Town Board is doing. We should trust Town Board and rely on the Town Attorney.

Ms. Karen Wrechen stated that the Town's motto is Progress with Preservation, move it along.

Ms. Ziegler stated that what the Town is doing is good. Spoke in favor of application.

Planning Director John Tegeder suggested taking one more look at the site plan.

Assemblyman Steve Katz spoke in favor of winery application.

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

CONVENE PUBLIC HEARING  
REVISION TO SECTION 8 ADMINISTRATIVE PLAN

Supervisor Grace called to order a public hearing to consider revisions to the Yorktown Housing Choice Voucher Program. The Deputy Town Clerk presented affidavits of posting and publication.

Section 8 Housing Director Karren Perez explained the revisions to the Section 8 Administrative Plan.

No Public Comment received.

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

REVISION TO SECTION 8 ADMINISTRATIVE PLAN  
RESOLUTION #183

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

RESOLVED, that following a duly noticed hearing that was held and closed on May 15, 2012, that the Town Board hereby adopts the Phase I revisions of the Section 8 Administrative Plan dated May 15, 2012, a copy of which are on file with the Town Clerk and in the Town's Section 8 office. Such revisions are subject to approval by the U.S. Department of Housing and Urban Renewal.

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

PROPOSED LOCAL LAW AMENDING THE ZONING CODE WITH RESPECT TO  
ARTICLE V TO ALLOW INDOOR RECREATION AS A PERMITTED MAIN USE IN THE  
I-1 LIGHT INDUSTRIAL AREA  
RESOLUTION #184

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 5<sup>th</sup> day of June, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," with respect to Article V entitled "Schedule of Regulations" to allow indoor recreation as a permitted main use in the I-1 Light Industrial Park District.

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

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

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

PROPOSED LOCAL LAW AMENDING THE ZONING CODE WITH RESPECT TO  
ARTICLE VII TO REMOVE RESIDENCY REQUIREMENTS FROM THE ELIGIBILITY  
REQUIREMENTS FOR CERTAIN AFFORDABLE HOUSING UNITS, AND TO CONFORM  
THE REQUIREMENTS HEREIN TO THOSE IN CHAPTER 102 AFFORDABLE HOUSING  
RESOLUTION #185

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 5<sup>th</sup> day of June, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to remove residency preferences from the eligibility requirements for certain affordable housing units and to conform the requirements herein to those in Chapter 102 Affordable Housing.

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

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

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

PROPOSED LOCAL LAW ADDING A NEW CHAPTER TO THE CODE OF THE TOWN OF YORKTOWN ENTITLED “PROCUREMENT FOR GOODS AND SERVICES.”  
RESOLUTION #186

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 5<sup>th</sup> day of June, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, adding a new Chapter 68, entitled “Procurement for Goods and Services.”

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

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

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

PROPOSED LOCAL LAW AMENDING CHAPTER 300 – ADDING HELISTOPS AS AN ACCESSORY USE IN OB DISTRICTS  
RESOLUTION #187

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 5<sup>th</sup> day of June, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” to add helistops as an accessory use in OB districts subject to certain standards.

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

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

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

REQUEST FOR AN STORMWATER PERMIT TO REMOVE TREE STUMPS AT GRANITE KNOLLS  
RESOLUTION #188

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

RESOLVED, that the Town Board agrees to advertise for a public hearing for a request for a Stormwater Permit to remove stumps at the Granite Knolls property.

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

ADVERTISE BID PREVENTATIVE MAINTENANCE OF GENERATOR SYSTEMS

BID#12-3

RESOLUTION #189

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Monday, June 11, 2012, for the Preventative Maintenance Generator Systems Bid #12-3.

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

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

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

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

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

AWARD BID

BUS BID FOR CAMP PROGRAMS

RESOLUTION #190

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

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on April 27, 2012, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$6,899.08 (1 bus) / \$13,798.16 (2 buses)
2	Royal Coach Lines, Inc.	\$6,854.00 (1 bus) / \$13,708.00 (2 buses)
3	J & R Tours	No Bid

4	JTR Transportation	No Bid
5	Coach Tours	No Bid
6	Hudson Valley Transportation	\$9,660.00 (1 bus)/\$19,320.00 (2 buses)

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Baumann & Sons Buses, Inc.	\$1,610.00 (1 bus)
2	Royal Coach Lines, Inc.	\$2,070.00 (1 bus)
3	J & R Tours	No Bid
4	JTR Transportation	No Bid
5	Coach Tours	No Bid
6	Hudson Valley Transportation	\$4,140.00 (1 bus)

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. A. (School Buses for Swimming Program) and Section I. B (School Buses for Extended Day Program) be combined and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

Section I. C (School Buses for Trips)

1	Baumann & Sons Buses, Inc.	\$9,377.83
2	Royal Coach Lines, Inc.	\$9,995.00
3	J & R Tours	No Bid
4	JTR Transportation	No Bid
5	Coach Tours	No Bid
6	Hudson Valley Transportation	\$12,675.00

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section I. C (School Buses for Trips) be and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

Section II (Coach Buses for Trips)

	COMPANY	BID
1	Hudson Valley Transportation	\$14,120.00
2	J & R Tours	\$14,244.00
3	Coach Tours	\$16,617.00
4	JTR Transportation	\$16,105.00
5	Baumann & Sons Buses, Inc.	\$20,250.00
6	Royal Coach Lines, Inc.	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid for Section II. (Coach Buses for Trips) be and is hereby awarded to Hudson Valley Transportation, the lowest responsible bidder.

AND BE IT FURTHER

RESOLVED, the results of sections I, is hereby awarded to Baumann & Sons Buses, Inc. and Section II, is hereby awarded to Hudson Valley Transportation and will amount to approximately: (please note – trips may change due to scheduling changes/conflicts/weather etc. Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) and Section I.B (1 bus) to Baumann & Sons Buses, Inc. = \$15,408.16

Section I.C to Baumann & Sons Buses, Inc. = \$9,377.83

Section II to Hudson Valley Transportation = \$14,120.00

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

AWARD BID CUMMINS ENGINE OEM PARTS – HIGHWAY DEPARTMENT  
RESOLUTION #191

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

WHEREAS, invitation to bid for the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on May 14, 2012, with the bid amounts for the above-referenced project summarized are as follows:

Arkel Motors – 10% discount from list price

Cummins Power Systems LLC – 22% discount from list price

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Cummins Engine OEM Parts be and is hereby awarded to Cummins Power Systems LLC, 41-85 Doremos Avenue, Newark, NJ 07105, as the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on May 15, 2012 and terminate on May 14, 2013. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

AWARD BID JOHN DEERE CONSTRUCTION OEM PARTS – HIGHWAY DEPARTMENT  
RESOLUTION #192

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

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on May 14, 2012, with the bid amounts for the above-referenced project summarized as follows:

Jesco, Inc. – 2% discount from list price – only Bidder

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the John Deere Construction Equipment OEM Parts be and is hereby awarded to Jesco Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080, the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on May 15, 2012 and terminate on May 14, 2013. The Town shall have the option to extend this contract at the same price for (3) consecutive one-year terms.

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

ACCEPT PERFORMANCE BOND/FEE HUDSON VALLEY ISLAMIC CENTER  
RESOLUTION #193

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

WHEREAS, Emad Al Jamal, as applicant, provided the Town with Check #1160 in the amount of \$9,720.00, which was deposited into the T33 account on April 6, 2012, to serve as the Performance Bond for the Hudson Valley Islamic Center located on Lexington Avenue,

WHEREAS, Emad Al Jamal, as applicant, provided the Town with Check #1161 in the amount of \$777.00, to serve as the 8% Inspection Fee for the above referenced project, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced site plan.

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

APPROVE SUPERINTENDENT OF PARKS AND RECREATION BRIAN GRAY'S RETRO-  
PAY IN HIS PRIOR APPOINTED POSITION AS ASSISTANT SUPERINTENDENT OF  
PARKS & RECREATION  
RESOLUTION #194

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

Be It Resolved, Brian Gray, in his prior appointed position of Assistant Superintendent of Parks and Recreation, shall receive the same salary increases as provided in the 2009 through 2011 CSEA contract.

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

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH WESTCHESTER COUNTY  
FOR THE REIMBURSEMENT OF FUNDS PAID FOR REPAIRS AND MAINTENANCE OF  
VEHICLES USED TO TRANSPORT SENIORS - \$2,427.00  
RESOLUTION #195

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

Authorize the Supervisor to sign a contract with Westchester County for the AAA Transportation Program year, 2011-2012 in the amount of \$2,427.00.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH NORTHERN WESTCHESTER INTERNAL MEDICINE  
RESOLUTION #196

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

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement between the Town of Yorktown and Northern Westchester Internal Medicine, P.C. for Hepatitis titers and Hepatitis shot services in accordance with the fee schedule attached to the Agreement. The agreement shall be effective from May 21, 2012 to May 20, 2013.

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

REDUCTION OF RETAINAGE FOR THE YCCC SENIOR PROJECT  
RESOLUTION #197

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

WHEREAS, Peter A. Camilli & Sons Inc. Contractors-Builders, completed renovations to the Yorktown Community and Cultural Center at a cost of \$484,605.00; and

WHEREAS, the Town of Yorktown has withheld \$48,460.50 as retainage; and

WHEREAS, the retainage percentage be reduced from 10% to 5%; and BE IT FURTHER

RESOLVED, that the amount of \$24,230.25 is hereby released to Peter A. Camilli & Sons Inc. Contractors-Builders, 210 Marble Ave., Pleasantville, NY 10570.

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

AUTHORIZE THE PLANNING DEPT. TO APPLY TO NYS DOT FOR A GRANT TO PURCHASE A BUS TO TRANSPORT ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES  
RESOLUTION #198

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

WHEREAS, the Town of Yorktown Town Board authorizes the Planning Department to apply to New York State Department of Transportation FTA SECTION 5310 Program For purchases by non-profit organizations and certain public bodies that transport elderly individuals and individuals with disabilities; and



WHEREAS, the Town of Yorktown Town Board will commit a matching share of 20% including donations, supplies and/or materials, and volunteer labor as needed to meet the requirements of the grant; be it

RESOLVED, that the Town of Yorktown Town Board authorizes the Planning Department to apply to New York State Department of Transportation FTA SECTION 5310 Program for bus purchases to transport elderly individuals and individuals with disabilities.

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

REFUND FOR APPLICATION FOR A SIGN PERMIT FOR NIAGARA BANK LOCATED AT JEFFERSON VALLEY MALL

RESOLUTION #199

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

RESOLVED, that a refund in the amount of \$184.00 be given to Sign Lite Inc., 6 Corporate Drive, North Haven, CT 06473 representing a withdrawn Sign permit fee for Niagara Bank, located at Jefferson Valley Mall known on the Yorktown tax map as Section 16.12, Block 1, Lot 24.

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

ACCEPT MONTHLY REPORTS

Building Department - Permit Estimated Cost of Construction – April 2012

APPROVE RESOLUTIONS FROM THE MAY 1, 2012 TOWN BOARD MEETING

RESOLUTION #200

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

Resolved, that the Town Board Meeting Resolutions for May 1, 2012 are approved by the Town Board.

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

DURING COUTESY OF THE FLOOR

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

Mr. Ed Ciffone reminded everyone to vote in the school budget vote tonight. He would like the Town Board to discuss term limits for Councilmen and Supervisor positions.

Mrs. Susan Siegel asked the Town Board to delay voting on the PBA Contract unless it could be done during the televised portion of the meeting.

Mr. William Kellner, Chair, Tree Conservation Advisory Commission spoke about the Route 202 development plan and feels that public transportation is missing from the plan. He feels we should become more pedestrian friendly.

Mr. Anthony Grasso stated that he wanted to clear the air about the winery and has no problem with the Town cleaning up the wetlands.

Supervisor Grace stated that explained how the Town acquired the Ardizzone Property.

Mrs. Serafina Mastro stated that she felt the Town Board was doing a good job working together. She stated that the issue of the DPW may go to referendum but the town already has departments working together and she feels that elected officials work harder. She isn't sure that moving the Highway Building to Greenwood Street is a good idea because there are lots of young children on the road and in that area.

Supervisor Grace explained that the issue of moving the Highway building is in the beginning stages and would be a start to creating a village like feel in this area.

Highway Superintendent Eric DiBartolo stated that we are working together and it is working out very well.

#### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board moved into Executive Session to discuss contract negotiations.

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting back to order.

#### APPOINTMENT – WATER DISTRIBUTION SUPERINTENDENT DAVID RAMBO RESOLUTION #201

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

BE IT RESOLVED, that David Rambo, is hereby appointed Distribution Superintendent, job class code 0617-01, from Eligible List No. 61-211, in the Water Department, effective May 16th, 2012, to be paid \$85,000.00 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 May 16<sup>th</sup>, 2012.

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

#### APPOINTMENT RECIEVER OF TAXES ELFREIDE SCHMID RESOLUTION #202

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

RESOLVED that Elfriede Schmid be and is hereby reappointed to the position of Receiver of Taxes and shall have all the powers and perform all of the duties of the Receiver of Taxes not inconsistent with the law at the pleasure of the Town Board or until the first day of January next succeeding the first biennial Town Election at an annual salary of \$75,275.00.

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

APPOINTMENT REAL PROPERTY APPRIASER SEABOLDT  
RESOLUTION #203

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

BE IT RESOLVED, that Sarah A. Seaboldt of Shrub Oak, NY, is hereby appointed Real Property Appraiser, job class code 0064-01, from Eligible List No. 68-067 effective May 16, 2012 to be paid from Yorktown CSEA Salary Schedule A1, Group 12, Step 1 which is \$58,094.00 annually,

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Sarah A. Seaboldt will report to work at the Assessor Department on June 4<sup>th</sup>, 2012, and this date will be used as the first date of appointment,

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 June 4<sup>th</sup>, 2012.

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

APPROVE COLLECTIVE BARGAINING AGREEMENT WITH PBA – POLICE  
BENEVOLENT ASSOCIATION  
RESOLUTION #204

Upon motion made by Councilman Bianco seconded by Councilman Patel,

WHEREAS, the Town of Yorktown (“the Town”) and the Town of Yorktown Police Benevolent Association, Inc. (the “PBA”) are parties to a collective bargaining agreement that expired on December 31, 2009; and

WHEREAS, the negotiating committees for the Town and the PBA have agreed upon the terms of a Memorandum of Agreement, dated April 26, 2012, which sets forth the terms of a successor agreement for the period from January 1, 2010 through December 31, 2014; and

WHEREAS, that Agreement provides that it is subject to ratification by the Town Board and the PBA’s membership; and

WHEREAS, the PBA has advised the Town that its membership has voted and has approved the Agreement; and

WHEREAS, the members of the negotiating committee for the Town have recommended unanimously that the Memorandum of Agreement be ratified by the Town Board;

NOW, THEREFORE, BE IT RESOLVED that the Memorandum of Agreement between the Town and the PBA dated April 26, 2012, is hereby ratified and approved and the Town Board approves the funding for such Agreement; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute a collective bargaining agreement for the period from January 1, 2010 through December 31, 2014 that is consistent with the terms of the Memorandum of Agreement.

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

NOT APPOINT COMPTROLLER JOAN GOLDBERG  
RESOLUTION #205

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

Resolved, to not appoint Comptroller Joan Goldberg and ask her to tender her resignation.

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

ADJOURN

Upon motion made by Councilman Murphy moved, seconded by Councilman Bianco, the Town Board meeting was adjourned.

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown