

On July 17, 2012, held at the Town Hall, 363 Underhill Avenue,
Yorktown Heights, NY 10598

Present: Michael J. Grace, Supervisor
Terrence Murphy, Councilman
Nicholas Bianco, Councilman
Vishnu Patel, Councilman
David Paganelli, Councilman
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, to move into Executive Session to discuss the employment of a particular person with Judge Raniolo.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster, Highway Superintendent Eric DiBartolo, Acting Town Engineer Sharon Robinson, Building Inspector John Winter and Fire Inspector Ed Kolisz were 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.

WELCOME

Yorktown Parks and Recreation Brian Gray, in addition to speaking about upcoming events announced that this year's Outdoor Movie Screening was a huge success. More than one thousand people attended the screening of the movie "Puss in Boots."

LEO'S PRESENTATION

Meagan McGowan and Coleen Reardon, the past President and Vice President of the LEO'S were accompanied by Joseph Cerone and Collin Manzo the new President and Vice President to hand out donations to the Yorktown Police Department's PBA for the DARE Program and the Justin Veatch Foundation.

JUSTIN VEATCH FOUNDATION

Supervisor Grace asked Mr. Thomas Ianniccari, the Vice President of the Justin Veatch Foundation to speak.

Mr. Ianniccari stated that he got involved in the Justin Veatch Foundation because he is a former musician and believes that the young musicians who are a part of this organization are very talented. He also believes in the goals of the organization which are to reach out to young performing artists and to provide them with opportunities to collaborate with and to be challenged by a network of like-minded peers and professionals.

REPORT FROM SUPERVISOR MICHAEL GRACE

Supervisor Grace thanked the Highway Superintendent and his staff for the work they did at the Holland Sporting Club. The Town saved approximately \$60,000 by using its own staff versus going to an outside vendor. The low bid for this work was \$89,000. Supervisor Grace also stated that the Town hopes to do an audit and inventory of its open space. He read a letter from a resident, Jane Hanley who gave high praises to Assistant Building Inspector Joe Venitucci.

REPORTS FROM THE MEMBERS OF THE TOWN COUNCIL

Councilman Murphy thanked Brian Gray, the Parks and Recreation Superintendent and his staff for the wonderful work they are doing at maintaining the Town's pools. He also acknowledged the enormous turnout for the Outdoor Movie.

Councilman Patel spoke about the Court of Honor Ceremony that he attended for Eagle Scouts Dylan Calderaro and Alexander Hernandez, members of Boy Scout Troop 164.

APPROVE RESOLUTIONS FROM THE JUNE 19, 2012 TOWN BOARD MEETING
RESOLUTION #297

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

Resolved, that the Town Board Meeting Resolutions for June 19, 2012 are approved by the Town Board.

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

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

Mr. William Kellner urged the Town Board to schedule a Public Hearing on the issue of a Department of Public Works. He lived in the Town of Cortlandt when the residents approved a referendum eliminating an elected Highway Superintendent. He says the Town Board and the Supervisor will oversee this department just like they do today with other departments.

Ms. Rene Fogarty, representing Citizens for a DPW read from prepared remarks (a copy of which is on file in the Office of the Town Clerk.) She also asked the members of the Town Board to schedule a Public Hearing for August 7th on the issue of a DPW. The law must be adopted by September 1st in order to go on the November ballot.

Mr. Patrick Cumiskey thanked the Town Board, the Highway Department and the Highway Superintendent Eric DiBartolo for completing the demolition work at the Holland Sporting Club. Mr. Kaminsky handed the Town Clerk a petition signed by his neighbors who support keeping the Holland Sporting Club a passive park. They are against alienation of this land for private development. The neighborhood would like to work with the Town Board to come up with a plan for this property.

Mr. Dave Goldberg spoke about some of the findings released in an Audit of the Town of Yorktown by the New York State Comptroller. He said serious issues were raised in the report but it doesn't appear that anyone is holding anyone, including Mr. DiBartolo accountable for what was done. Mr. Goldberg spoke about backflow devices. For years, he and other businesses have tested these devices. Several years ago, the Town of Yorktown began testing these devices. Now, the Town wants to raise its rates. The Water Department has no business in "running a business."

Mr. Goldberg was advised to come to the August 7th meeting. One of the Public Hearings scheduled for that night concerns back flow devices.

Mrs. Roz Weis stated that she was neither speaking in support or opposition to a DPW. She was speaking for democracy. The Town Board should vote to advertise a Public Hearing on a DPW.

Mrs. Molly Pretnar read from prepared remarks (a copy of which is on file in the Town Clerk's Office.) The letter speaks of her family's concerns over the noise, lights and late night activities happening across the street from her home at the Hudson Valley Islamic Community Center.

Several members of the Town Board stated that they will reach out to the leaders of the Community Center in an effort to alleviate those problems.

Mrs. Nicole Tuiolo and Mr. Ed Doherty who both live on Clearview Street both spoke about the conditions of Sharon Lane which they say is "under water."

Councilman Bianco stated that he knows that street very well and it has had water issues for some time. But, he says the Highway Superintendent plans to be in the area on Friday.

Highway Superintendent DiBartolo explained many of the drainage problems in this area were caused after a 4 ½ inch pipe was wiped out. He will be on Sharon Lane on Friday.

Mr. Walter Daniels spoke about the conditions of Mohegan Lake as well as thanked the organizers of Mohegan Lake Day.

Mr. Fred Gulitz thanked the members of Yorktown's Emergency Services; the Police Department, and the Yorktown Ambulance Corp. for their professionalism. He was transported to the Medical Center after losing a portion of a finger. Recently his mother passed away in her home. Mr. Gulitz stated that he was here tonight to speak about the proposed DPW. As a voter he is very troubled. Eric DiBartolo, the Highway Superintendent should be taken out of the equation. We should be given information that can help us form an opinion.

Mrs. Jane Daniels responded to Mr. Gultiz's last comment saying that Citizens for a DPW did do research. We got information about and from other municipalities throughout the State of New York. Mrs. Daniels urged the Town to vote to advertise a Public Hearing on the subject of a DPW. She also asked if the Town had dissolved its programs whereby young people who were adjudicated by the Courts and had to perform community services.

Supervisor Grace said the Town did not dissolve the program. It appears that fewer kids are going through the court system and being sentenced with community service.

Mr. Thomas Page, spoke about his experience with a contractor who was supposed to renovate his home and wound up leaving with the work half completed. Now, that he is able to resume the work, he was told that if he wanted to renew his Building Permit, it would cost \$3,000.

Supervisor stated that a public hearing scheduled for tonight should help you.

Mrs. Olivia Buehl asked the Town Board to advertise a Public Hearing on the subject of a DPW for August 7th.

Mr. John Monticelli, a representative of the United Tax Payers of Yorktown asked the Town Board to vote on a local law to set term limits for the members of the Council and Supervisor.

COURTESY OF THE FLOOR IS CLOSED

Speaking on the subject of a DPW, Supervisor Grace stated that both he and members of the Town Council have stated that we have an open mind on this subject. Some of the rhetoric coming from the proponents of this issue has prejudged the Town Board. This administration has been very accommodating. We have scheduled an informational meeting for July 25, 2012.

Councilman Bianco reiterated what the Supervisor just said. We are open minded on this issue.

Councilman Patel stated that he is the only member of the Town Board in favor of this issue.

DISCUSSION ON PAVING WITH THE HIGHWAY SUPERINTENDENT

Highway Superintendent DiBartolo stated that he and his department are paving. The Town received a check from FEMA and he would like the Town Board to pass a resolution allowing money from that check and money from his snow removal line to be used for paving. He also asked for an additional \$100,000 from the General Fund.

Supervisor Grace stated that he has no problem with the Highway Superintendent using his own money but would like to have a further discussion on this topic.

Town Comptroller Joan Goldberg stated that the money that the Highway Superintendent is requesting for paving, is available.

PUBLIC HEARING

BAPTIST CHURCH ROAD PIPE RELINING

EMINENT DOMAIN PROCEDURE

Supervisor Grace called to order a Public Hearing, pursuant to authority granted to the Town by Town Law § 64(2), the Highway Law and the Eminent Domain Proceedings (EDPL) Law, the Town of Yorktown hereby gives notice of a public hearing pursuant to EDPL § 202 as follows:

A public hearing will be held by the Town Board regarding the reconstruction and repair of two culverts under Baptist Church Road, Yorktown Heights, NY, and the full-depth

restoration and repavement of the roadbed above the culverts, for the purpose of acquiring by condemnation two temporary and one permanent easement.

WSP Sells, Inc. has prepared plans for construction of such improvements. A narrative description prepared by WSP Sells, Inc. of the project is available in the office of the Town Clerk.

In order to construct these improvements, the Town has attempted to acquire access easements (two temporary and one permanent) over certain properties. Negotiations with the following landowners for easements have been unsuccessful. The properties affected by this proceeding are as follows:

<u>Tax Map Number</u>	<u>Reputed Owner</u>	<u>Location</u>
47.15-1-18	Michael Salitan	1225 Baptist Church Road
47.15-1-4	Elizabeth Kaufman	1210 Baptist Church Road

There are no other possible alternative locations for any of said properties, because the repair that is needed is located on and under the road in between these two properties. The Town Clerk presented affidavits of posting and publication.

Town Attorney Jeannette Koster stated that this public hearing is required by Article 2 of New York State Law. A complete transcript of these proceedings is being taken by a stenographer. Mrs. Koster explained that all of the procedures out lined by law have been followed.

Mr. Michael Salitan, one of the affected property owners disagreed with the Town Attorney. He told the Board that every procedure had not been followed. He learned of this issue when he found a representative of WSP Sells, trespassing on his property. He also spoke about an illegal storm drain near his property.

Mrs. Sharon Robinson, Acting Town Engineer for the Town of Yorktown explained that the catch basin which is located on Town property will be moved. This work is part of the overall project.

Mrs. Koster stated that the remedy for any alleged trespass is to file a claim for whatever damages that might have occurred and litigate it with the surveyors.

Mrs. Babette Ballinger, a resident of the area applauded the Town Board for finally addressing this issue.

Mr. Paul Moskowitz stated that he also lives in the area, but is concerned that if the road is shut down, it would cause problems particularly for emergency service workers.

Mrs. Robinson said the contract calls for one lane closure. If the road is completely shut down, we do have a planned detour. But, agreed that it will add time. This is a four month contract. The work is expected to take three months. The final month affords the contractor breakdown time.

Councilman Bianco read reports from the New York City Department of Environmental Protection and the Planning Department.

Mrs. Robinson stated that those reports go with the request for a wetlands permit, not this Public Hearing.

All those present having been given the opportunity to be heard and there being no further discussion the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

PUBLIC HEARING
BAPTIST CHURCH ROAD PIPE RELINING
REQUEST FOR WETLANDS PERMIT

Supervisor Grace opened the Public Hearing for the wetlands permit.

Mrs. Sharon Robinson, Acting Town Engineer explained that the purpose of this project is to repair two culverts under Baptist Church Road. The contractor will clean out and reline the culverts and install three hundred linear feet of guiderail and a stone lined drainage swale. The construction cost is \$400,000.

Dr. Salitan stated that the big issue is maintenance. The Town of Yorktown has not maintained these culverts. He believes that water coming off the roadway has led to the siltation of the pond on his property.

Councilman Bianco disagreed. He spoke about conditions that he witnessed while working as The Environmental Inspector for the Town of Yorktown. He stated that some of the drainage issues are caused by the next door neighbor. Councilman Bianco further stated that property owners must be responsible for maintaining streams on their property.

Supervisor Grace stated that the contract could be amended to include work on Dr. Salitan's property.

Acting Town Engineer Sharon Robinson stated that there are preventative maintenance measures built into the work.

All those present having been given the opportunity to be heard and there being no further discussion the first portion of the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275-40
ADDING FIRE LANES TO THE POLICE/COURT COMPLEX

Supervisor Grace called to order a public hearing for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," to add a Fire Lane at the Police Department and Courthouse. The Town Clerk presented affidavits of posting and publication.

Yorktown Fire Inspector Edward Kolisz explained that at the request of Police Chief Dan McMahon, the Fire Advisory Board met to discuss the creation of fire lanes at the Court House. Due to an increase in court activity, parking has become an issue. Vehicles are parking on both sides of the access road causing emergency vehicle access to be compromised. The Fire Advisory Board voted to approve the creation of fire lanes around the Courthouse.

Mr. Edward Ciffone recommended that instead of creating fire lanes on both sides of the road, have the Police Department remove the vehicles from the front of the building and bring them to the back of the building.

Supervisor Grace said the Town Board made that suggestion. The New York City Department of Environmental Protection is using those parking spaces during daytime hours.

Mr. Kolisz stated that placing a fire lane on one side of an access road would continue to compromise emergency vehicle access.

All those present having been given the opportunity to be heard and there being no further discussion the first portion of the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

LOCAL LAW #8 OF 2012
AMENDING CHAPTER 275- 40 (A)(1)ADDING FIRELANES
TO THE POLICE/COURTHOUSE COMPLEX
RESOLUTION #299

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

WHEREAS, a public hearing was held on the 17th day of July 2012 pursuant to notice duly published as required by law to consider amending Chapter 275-40 (A)(1) of the Code of the Town of Yorktown to add fire lanes to the Police/Court House Complex.

RESOLVED, that Local Law #8 of the year 2012, be and is hereby adopted. The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #8/2012 was thereupon declared adopted.

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 198
LANDMARK PRESERVATION

Supervisor Grace called to order a public hearing for the purpose of amending Chapter 198 of the Code of the Town of Yorktown entitled "LANDMARK PRESERVATION" to allow the Landmark Preservation Commission to continue to function even when no qualified architect or historian is on the Commission and to require the Commission to obtain an owner's consent before a property can be designated as a landmark. The Town Clerk presented affidavits of posting and publication.

Supervisor Grace explained that this chapter is being amended because the Town Board has found people who want to serve on the Landmark Commission and have life experience, but may not have the educational requirements.

Mr. William Primavera stated that the Town of Yorktown has not made any new landmark designations since 1976.

Mr. Edward Ciffone asked questions about the sale of the Bernstein House.

Mr. Nick DiTomasso questioned the proposed sale price of the Bernstein House saying that he was told that at one time it was worth \$4 million.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

LOCAL LAW # 9 OF 2012
AMENDING CHAPTER 198 ENTITLED
'LANDMARK PRESERVATION'
RESOLUTION #300

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

WHEREAS, a public hearing was held on the 17th day of July 2012 pursuant to notice duly published as required by law to allow the Landmark Preservation Commission to continue to function even when no qualified architect or historian is on the Commission and to require the Commission to obtain an owner's consent before a property can be designated as a landmark.

RESOLVED, that Local Law # 9 of the year 2012, be and is hereby adopted. The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
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July 17, 2012

Councilman Bianco	Voting Aye
Councilman Murphy	Voting Aye
Councilman Patel	Voting Aye
Councilman Paganelli	Voting Aye

Local Law #9 /2012 was thereupon declared adopted

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 300-19
TEMPORARY BUILDING PERMITS

Supervisor Grace called to order a Public Hearing to amend Chapter 300 of the Code of the Town of Yorktown , entitled “Zoning” concerning temporary buildings in connection with construction. The Town Clerk presented affidavits of posting and publication.

Mr. Albert Capellini is pleased that the portion of the law dealing with the size of a building has been removed from the law.

Supervisor Grace stated that the Field Home has a Request for a Temporary Building Permit before the Town Board.

Mr. Edward Ciffone asked why the Trump Sales Office is still there.

Supervisor Grace explained that the building on the Trump property was built in accordance with a site plan issued by the Planning Board, not because the Town Board gave out a Temporary Building Permit.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed.

Councilman Patel motioned, seconded by Councilman Murphy.

LOCAL LAW # 10 OF 2012
AMENDING CHAPTER 300-19
TEMPORARY BUILDING PERMITS
RESOLUTION #301

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

WHEREAS, a public hearing was held on the 17th day of July 2012 pursuant to notice duly published as required by law to amend Chapter 300the Town of Yorktown, entitled “Zoning” concerning temporary buildings in connection with construction.

RESOLVED, that Local Law # 10 of the year 2012, be and is hereby adopted. The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting Aye
Councilman Bianco	Voting Aye
Councilman Murphy	Voting Aye
Councilman Patel	Voting Aye
Councilman Paganelli	Voting Aye

Local Law #10 /2012 was thereupon declared adopted

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 15
BUILDING CONSTRUCTION ADMINISTRATION

Supervisor Grace called to order a public hearing to consider a local law amending Chapter 15 of the Code of the Town of Yorktown entitled “Building Construction Administration” concerning building permit renewals and building permit and certificate of occupancy fees.

Supervisor Grace stated that the current law was adopted last year. The law gives the Building Inspector the authority to charge the same fee to renew a building permit as it did to get one.

Mr. Thomas Page appeared before the Town Board earlier tonight speaking about a problem he had with a construction company. They took his money and left before completing the renovation work. Mr. Page stated that his concern now is that he is being asked to pay \$3,000 to renew his permit. The project was never completed because the construction company took off with his money.

Christine and Michael Bloom spoke about their situation. A month before their Building Permit expired, they were given a punch list of things that had to be completed, by the time they completed the tasks; the permit had expired. Their home has since been inspected and the property's assessment has increased by \$8,000; they have not picked up their building permit because they were told that the cost would be \$3,321.00 which they believe is excessive.

Building Inspector John Winter stated that the new fees will be a percentage of the original fee or a flat fee, whatever is less.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

LOCAL LAW #11 OF 2012
AMENDING CHAPTER 15
BUILDING CONSTRUCTION ADMINISTRATION
RESOLUTION #302

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

WHEREAS, a public hearing was held on the 17th day of July 2012 pursuant to notice duly published as required by law to amend Chapter 15 the Town of Yorktown, entitled "Building Construction Administration" concerning building permit renewals and building permit and certificate of occupancy fees.

RESOLVED, that Local Law # 11 of the year 2012, be and is hereby adopted. The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Grace	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law # 11 /2012 was thereupon declared adopted

PUBLIC HEARING
PROPOSAL TO DECLARE THE BUILDING AT 1482 MAIDEN LANE
AN UNSAFE STRUCTURE

Supervisor Grace called to order a Public Hearing to consider the Unsafe Buildings and Structure proceeding against the property owned by Melitta Strebel, Section 47.13, Parcel 1, Lot

An inspection by the Building Inspector on April 10, 2012 determined that the structure is beyond repair. A fire destroyed most of the structure. The Fire Inspector has placed an unsafe notice on the building and caution tape was placed in front of the structure.

The Town Attorney explained that all parties were given notice of this proceeding. The property owner has a reverse mortgage. The Lender was advised of the public hearing.

Supervisor Grace explained that if the Town Board declares this structure an attractive nuisance, the property owner will be ordered to tear down the structure. If they don't, the Town will have the structure removed and place a lien against the property owner.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed.

Councilman Bianco motioned, seconded by Councilman Murphy.

STRUCTURE DECLARED AN ATTRACTIVE
NUISANCE
RESOLUTION #303

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

WHEREAS, upon the report of John Winter, Building Inspector, dated April 10, 2012, by resolution adopted April 10, 2012, the Town Board:

1. Determined that, at 1481 Maiden Lane, Yorktown, New York and also known by the Tax Map designation as Section 47.13, Block 1, Lot 15 (the "Property"), a structure was destroyed by fire on or about October 7, 2011, and said structure is beyond repair (the "Structure");
2. Determined there is present a clear and imminent danger to the life, safety and/or health of any person or property, unless the Structure is immediately repaired and secured or demolished; and
3. Directed the Town Attorney to serve a Notice of Proceeding upon the owner of the subject premises in accordance with Town Code Chapter 135; and
- 4.

WHEREAS, the Town Attorney caused a Notice of Proceeding to be served upon the Owner of record and all record holders of record in the subject premises and caused such Notice to be filed with the County Clerk for Westchester County in accordance with Town Code Chapter 135, which Notice ordered the Owner to demolish the building within 30 days of said Notice and notified said parties of a hearing to be held on July 17, 2012; and

WHEREAS, a hearing was duly held on July 17, 2012, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, at which the Building Inspector, John Winter, testified as to the condition of the Structure, and no other person appeared to testify.

NOW THEREFORE, the Town Board hereby ORDERS the Owner or any other party in interest to immediately demolish the structure, remove all debris, and make the site safe, at that person's own expense.

BE IT FURTHER RESOLVED, that if the Owner fails to comply with the Order above, the Town Supervisor is authorized to proceed with demolition and removal of the Structure; and be it further

RESOLVED, that the Town Board hereby authorizes that the expenses of the Town in connection with the demolition and removal of the Structure, including legal fees and asbestos testing and abatement if required, be assessed against the land and shall be levied and collected as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy; and be it further

RESOLVED, that the Town Board authorizes the Town Attorney to institute such proceedings as are necessary and appropriate to collect the costs of demolition and removal incurred by the Town, including legal expenses, including instituting a special proceeding to collect the costs of demolition and removal, including a 10% surcharge and legal expenses.

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

ADVERTISING - BID
ELEVATOR INSPECTION AND MAINTENANCE – CAPITAL PROJECT #12-4
RESOLUTION #304

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli

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, August 13, 2012, for the Elevator Inspection and Maintenance Bid #12-4.

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.

REFERRAL
REQUEST FROM TONNDORF TO HAVE A COMMERCIAL VEHICLE (FOOD TRUCK)
ON PROPERTY IN JEFFERSON VALLEY
RESOLUTION #305

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

The Town Clerk is hereby authorized to refer the applicant, Victor Tondorf's request for a concession trailer on his property in Jefferson Valley to the Planning Board.

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

VILLAGE TRADITIONS - SITE PLAN BOND REDUCTION
RESOLUTION #306

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

WHEREAS, Timothy Mallon, as applicant, has provided the Town with Platte River Insurance Company Subdivision Bond #41206723, in the amount of \$132,380.00, to serve as the Performance Bond for the Village Traditions Site Plan located on Route 6, and

WHEREAS, Timothy Mallon, as applicant, has provided the Town with Platte River Insurance Company Subdivision Bond #41206724 in the amount of \$20,000.00, to serve as the Erosion Control Bond, and

WHEREAS, Timothy Mallon, as applicant, has provided the Town with a check in the amount of \$750.00, to serve as the Wetland Bond for Wetland Permit #WP-038-10, and a check in the amount of \$500.00 for inspections for the Wetland Permit, and

WHEREAS, the work for Wetland Permit #038-10 has not yet been completed, so that money held will remain in full force and effect, and

WHEREAS, Timothy Mallon has requested that the Performance and Erosion Control Bonds (#41206723 and #4120624) be released, and

WHEREAS, the Acting Town Engineer has said that the Performance & Erosion Control Bonds may be reduced for the completion of site work items within the Village Traditions Site Plan, and

WHEREAS, that the above referenced Performance Bond #41206723 be reduced to \$9,200.00 and the Erosion Control Bond #41206724 be reduced to \$3,000.00, and

WHEREAS, a member of the Engineering Department has informed the Acting Town Engineer that said items have been satisfactorily completed and that the \$152,380.00 Performance & Erosion Control Bonds can be reduced to \$12,200.00 (\$152,380.00- \$12,200.00 = \$140,180.00 back to developer), NOW, THERFORE BE IT,

RESOLVED, that the above referenced bonds be released to Village Traditions, LLC, 47 Kayla Avenue, Mahopac, NY 10541, Attn: Mr. Tim Mallon.

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

ESPOSITO BUILDERS – SITE PLAN – ACCEPTANCE OF BONDS

RESOLUTION #307

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

WHEREAS, Richard Esposito/Esposito Builders, as applicant, provided the Town with American Fire & Casualty Company Performance Bond #3-253-858, in the amount of \$57,015.00, to serve as the Performance Bond, for the Esposito Builders' Site Plan located at 1922 East Main Street, and

WHEREAS, Richard Esposito/Esposito Builders, as applicant, provided the Town with Check No. 1479, in the amount of \$5,000.00, which was deposited into the T33 account on October 22, 2008, to serve as the Erosion Control Bond, for the Esposito Builders Site Plan, and

WHEREAS, Richard Esposito/Esposito Builders, as applicant posted Check No. 1476 in the amount of \$1,500.00, which was deposited into the T33 account on June 30, 2008, to serve as the Erosion Control Bond for Excavation Permit #E-017-08, and,

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined that all public improvements have met Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced bonds are hereby released to Mr. Richard Esposito, Esposito Builders, Inc., 8 John Walsh Boulevard, Suite 401, Peekskill, NY 10566.

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

RELEASE OF BOND FOR WETLAND PERMIT #129-04

RESOLUTION #308

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

WHEREAS, Galina Kanevsky, as applicant, heretofore filed a Wetland Bond in the amount of \$300.00, which was deposited into the T33 Account on December 3, 2004, covering Wetland Permit #129-04 for work performed at her Spring Valley Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Ms. Galina Kanevsky, 1358 Spring Valley Road, Ossining, NY 10562.

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

RELEASE OF BOND FOR WETLAND PERMIT #026-09

RESOLUTION #309

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

WHEREAS, Steven & Julie D'Orazio, as applicant, posted Check #0549 in the amount of \$350.00, which was deposited into the T33 account on August 28, 2009, to serve as the Wetland Bond for Wetland Permit #026-09, for work performed at their Barry Court residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$350.00 may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced Erosion Control Bond in the amount of \$350.00 be and is hereby released to Mr. & Mrs. Steven D'Orazio, 2543 Barry Court, Yorktown Heights, NY 10598.

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

RELEASE OF BOND FOR EROSION CONTROL PERMIT #018-12
RESOLUTION #310

Upon Motion by Councilman Bianco and seconded by Councilman Paganelli,

WHEREAS, Jorge Torres Solari, as applicant, heretofore filed an Erosion Control Bond in the sum of \$250.00, which was deposited into the T33 Account on April 27, 2012, covering Wetland Permit #018-12, for work performed at his Old Yorktown Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined that the work has been satisfactorily completed, and that the \$250.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$250.00 be and is hereby released to Mr. Jorge Torres Solari, 2914 Old Yorktown Road, Yorktown Heights, NY 10598.

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

RELEASE OF LANDSCAPE BOND #1192 - \$300.00
RESOLUTION #311

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

WHEREAS, Mohan Singh, as applicant, heretofore filed Landscape Bond #1192, in the amount of \$300.00, for Lot #3.14, in the Clover Ridge Estates Subdivision on Rustic Ridge Court, which were deposited into the T30 Account on May 7, 1998, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #1192 in the amount of \$300.00 be and is hereby released to Mohan Singh, 1310 Rustic Ridge Court, Yorktown Heights, NY 10598.

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

APPROVE REFUND OF COMPOST PERMIT
RESOLUTION #312

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

Whereas, Kevin M Martelli purchased a compost yard permit for a six wheel dump truck on April 5, 2012, for the total amount of \$2,500, and

Whereas, due to unforeseen circumstances, this individual has not and will not be utilizing the compost facility, and said permit was revoked, now,

Therefore, Be It Resolved, upon the recommendation of the Highway Superintendent and the acting head of Conservation, a refund in the amount of \$2,500 shall be issued to Kevin M Martelli.

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

APPROVE OVERTIME REIMBURSEMENT
RESOLUTION #313

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

Whereas, Dance For Joy was billed \$937.50 for YCCC overtime (incurred on May 19 and May 20, 2012) by both the Town and the theater, and

Whereas, Dance For Joy paid both invoices, and both amounts were remitted to the finance department, now

Therefore, Be It Resolved, Dance For Joy shall be refunded \$937.50

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

BUDGET TRANSFERS

RESOLUTIONS #314

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

Be It Resolved, the following 2012 budget transfers are hereby approved:

General Fund			
7/10/2012	Line Description	Amount	Reason
A			
1010.490	Cable Services	3,250.00	Cover cable services
A			
1010.810	Medical Insurance	12,700.00	Cover add'l councilman premium
A			
1910.467	Insurance	(15,950.00)	Available funds
A			
1450.490	Election Contractual Services	1,180.66	Cover pmt to West County for election costs
A			
1910.467	Insurance	(1,180.66)	Available funds
A			
9000.103	Police Retro Pay Appropriated Fund	307,973.81	2010 + 2011 Police Retro Pay
A 1002	Balance	(307,973.81)	Cover 2010 + 2011 Police Retro Pay
Highway Fund			
D			
5112.200	Highway Chips	59,981.78	Match verified state aid notice
D 3501	State Aid:Chips	(59,981.78)	Match verified state aid notice
D			
5130.201	Highway Machinery	161,200.00	Cover 2nd truck
D			
5142.403	Highway Snow Material	(161,200.00)	Available funds
Yorktown Sewer Fund			
YS			
8130.449	Analysis	10,500.00	5 year cycle testing
YS			
8130.460	Plant Maintenance	(10,500.00)	Available funds

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

AUTHORIZE THE SUPERVISOR TO SIGN A RENEWAL AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC. RELATING TO THE DEPARTMENT'S PRODUCTIVITY SOFTWARE FROM AUG. 1, 2012 TO JAN. 31, 2013 AT A COST OF \$25, 296.28
RESOLUTION #315

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with SunGard Public Sector, Inc. for a renewal maintenance and support services contract for the Yorktown Police Department's productivity software from August 1, 2012 through January 31, 2013. The semi-annual renewal fee is \$25,296.28

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

APPROVE AUCTIONING OFF SURPLUS VEHICLES
RESOLUTION #316

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

WHEREAS, the various Department Heads have designated the following items as obsolete or out-of-service equipment;

Department	Year	Make	Model	Vin #
Police	2003	Ford	Crown Vic.	2fafp71wx3x118263
Police	2003	Ford	Crown Vic.	2fafp71w33x118265
Police	2004	Ford	Crown Vic.	2fafp71w94x102105
Cent. Garage	2000	Ford	Crown Vic.	2fafp71wbyx106359
Engineering	1997	Ford	Crown Vic.	2falp71w6vx210833
Library/Highway	1993	Ford	Crown Vic.	2facp71w7px172452
Parks & Rec.	1988	Chevy	Jimmy	1gkct18r6j8528551
Parks & Rec.	1995	GMC	Pick up	1gtgk24kose503386
Parks & Rec.	1991	GMC	Bucket Van	1gtgg35k3m7514167
Parks & Rec.	1991	GR/MA	Tractor	10167
Water	1993	International	257 Dump	1htgeayr2ph466357
Conservation	1999	MACK PACKER	RD690S	1M2P264C2XM027974
Water	1995	International	257 Dump	1htgeaurosh654728

WHEREAS, on June 15, 2011 the preceding Town Board authorized the former Supervisor to sign a two-year contract agreement with Auctions International, Inc. to sell surplus Town vehicles and equipment using an online auction;

THEREFORE BE IT RESOLVED, that the Town Board designates the aforementioned items as surplus equipment and authorizes such equipment to be placed on public online auction with Auctions International, Inc.

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

APPOINT BARBARA KORSAK DEPUTY RECEIVER OF TAXES FOR THE PERIOD
JULY 17 – JULY 31, WHILE THE RECEIVER OF TAXES IS ON VACATION
RESOLUTION #317

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

RESOLVED, that the Receiver of Taxes, Elfriede H. Schmid will be on vacation from July 17 – July 31 and that while she is away from the office, Barbara Korsak is hereby appointed Deputy Receiver of Taxes.

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

REFUND DUPLICATE TAX PAYMENT
ACCOUNT #0295060, 1421093
RESOLUTION #318

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

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

Year and Tax	S-P-L	Account #	Refund Amount
		0295060	\$3,409.93
		1421093	\$2,057.85
	q		\$2,057.85

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

FIELD HOME – TEMPORARY PERMIT

Supervisor Grace said the Field Home has submitted a request for Temporary Building.

Mr. Albert Capellini, Attorney for Field Home explained that they will be putting up a Sales Office.

Mr. Joseph Riina, Engineer for the applicant explained that layout of the sales office. There will be no need to create any new parking spaces.

APPROVE A TEMPORARY CERTIFICATE OF OCCUPANCY – FIELD HOME- SALES OFFICE

RESOLUTION #319

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

RESOLVED, that, pursuant to Section 300-19 of the Code of the Town of Yorktown, the Town Board hereby approves the application for a temporary building permit for a temporary sales building to be erected in connection with construction for the Field Home Senior Living Center (“applicant”) located on Catherine Street, subject to the following:

1. This approval shall become effective on the effective date of Local Law Number 10, amending Section 300-19;
2. The applicant shall post a cash bond in the amount of \$1,000 with the Town Clerk; and
3. Before filing an application for a building permit with the Building Department, the applicant shall make best efforts to situate the temporary building so as to avoid damaging an existing 26-inch dbh spruce tree on the site;
4. The applicant shall comply with all other applicable provisions of law, including but not limited to, obtaining a building permit prior to construction of the temporary building.

FURTHER RESOLVED, that this approval shall expire one year from the date of this resolution, and may be renewed by application to the Town Board within forty-five days before its expiration date.

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

COURTESY OF THE FLOOR

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

Mrs. Susan Siegel thanked the Town Board for holding an informational meeting on the subject of a possible DPW tomorrow night. She also asked that the Town Board schedule a Public Hearing on this issue for August 7, 2012.

Mr. Edward Ciffone asked that the Board schedule a Public Hearing on term limits for that date as well.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown