

Work Session held by the Town Board, Town of Yorktown on August 14, 2012, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Absent:

WORK SESSION

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

APPROVE GEO ENVIRONMENTAL COMPANY, INC. TO DETERMINE IF ANY ASBESTOS IS PRESENT AT 3000 STONY STREET – GRANITE KNOLLS BARN RESOLUTION #352

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

WHEREAS, the Town of Yorktown plans to demolish the barn located on the Town's Granite Knolls property at 3000 Stony Street, and

WHEREAS, the Town wants to determine if any asbestos is present, and

WHEREAS, there are funds remaining in the Holland Sporting Club demolition project, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the supervisor to sign a contract with GEO Environmental Co., Inc., 170 Loder Road, Yorktown Heights, NY 10598 in the amount of \$1,420.

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

REFER OUT REQUEST FOR EROSION CONTROL AND SEDIMENT PERMIT CHURCH OF THE LATTER DAY SAINTS – REPAVING PROJECT RESOLUTION #353

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

RESOLVED, that the Town Clerk is hereby authorized to refer a request made to the Town Board by the Church of the Latter Day Saints for an Erosion Control and Sediment Permit for a repaving project to the following agencies for their review and recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

NYC DEP
Conservation Board
Planning Department/Board
Town Attorney
Town Engineer
Environmental Consultant
File

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

REFER OUT REQUEST FOR WETLANDS PERMIT TO INSTALL UNDERGROUND FIBER OPTIC LINE – IBM WATSON RESEARCH CENTER, KITCHAWAN ROAD RESOLUTION #354

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

RESOLVED, that the Town Clerk is hereby authorized to refer a request made to the Town Board by the IBM Watson Research Center’s for a Wetlands Permit to install Underground Fiber Optic Line to the following agencies for their review and recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

- NYCDEP
- Conservation Board
- Planning Department/Board
- Town Attorney
- Town Engineer
- Environmental Consultant
- File

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

SEND RECOMMENDATION LETTER TO PLANNING BOARD SUPPORTING IBM, WATSON RESEARCH CENTER APPLICATION FOR A HELISTOP/HELIPAD RESOLUTION #355

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

RESOLVED, that the Town Board supports the IBM, Watson Research application for Helistop/Helipad.

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

STANDARDIZATION FOR VEHICLES

Town Attorney Jeannette Koster explained that the reason for a standardization of town vehicles is to conform to NYS bidding policies and this would eliminate the need for alternate vehicles in bidding specifications. Supervisor Grace stated that he did not want to standardize the town’s fleet in case better pricing could be obtained from different vendors.

AUTHORIZE SALE OF SURPLUS EQUIPMENT AND VEHICLES SOLD ON AUCTION INTERNATIONAL, INC. RESOLUTION #356

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

WHEREAS, on July 11, 2012 Auctions International, Inc., the Town’s contracted auctioneer went live with an online auction featuring twenty of the Town’s surplus vehicles and items of equipment,

WHEREAS, on August 6, 2012 Auctions International closed the bidding process for all Town vehicles and equipment,

WHEREAS, All Town Department heads with vehicles and equipment in the auction have provided confirmation of acceptance of the bid price(s) as outlined below,

THEREFORE BE IT RESOLVED, that the Town Board accepts the bids for the following nine (9) vehicles in the amounts shown.

<u>Lot #1 - 2003 Ford Crown Vic</u>	\$1,466.70
<u>Lot #2 - 2003 Ford Crown Vic</u>	\$311.00
<u>Lot #3 - 2004 Ford Crown Vic</u>	\$681.00

<u>Lot #5 - 2000 Ford Crown Vic</u>	\$535.00
<u>Lot #6 - 1997 Ford Crown Vic</u>	\$455.00
<u>Lot #7 - 1993 Ford Crown Vic</u>	\$487.00
<u>Lot #8 - 1988 GMC S-15 Jimmy</u>	\$780.00
<u>Lot #9 - 1995 GMC K2500 Sierra Pickup</u>	\$670.00
<u>Lot #10 - 1991 GMC G3500 Bucket Van</u>	\$795.00

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

AUTHORIZE BUDGET TRANSFER
RESOLUTION #357

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

Whereas, as approved by the town board at the July 24th 2012 work session, the Yorktown Sewer Department has permission to purchase a 2008 F 350 serial number 1FTWW31598EC75062 from the Northern Westchester Joint Water Works post auction in the amount of \$16,250, necessitating the following budget transfer:

Increase:	YS 8130.201	Equipment	\$16,250
Decrease:	YS 8130.467	Insurance	(\$16,250)

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

BID FOR COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE AND RECYCLING MATERIALS

Supervisor Grace explained that there was an increase in the cost of the garbage collection bid last year and he thinks that it should not be under prevailing wage requirement. He stated that he has received one document from the DOL that says that it does apply and has reviewed an appellate court decision which he feels may address the issue and would like to rebid the garbage contract both with the prevailing wage and without the prevailing wage.

Town Attorney Koster stated that she did not agree with this interpretation of the law.

Environmental Coordinator Kim Angliss Gage noted that the bid will be changed to reflect how many stops and not per unit basis as has been done in the past.

Supervisor Grace also requested to be given approval to seek legal action should the Town wish to challenge the prevailing wage issue.

ADVERTISE BID FOR COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE AND RECYCLING MATERIALS
RESOLUTION #358

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, October 1, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Collection and Disposal of Residential Refuse and Recyclable Materials Bid.

There will be a Bidders Conference held at the Board Room, Town Hall, 363 Underhill Avenue, Yorktown Heights, NY, 10598 at 10:00 a.m. on September 7, 2012.

All bids must be accompanied by an executed non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

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 at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

AUTHORIZE SUPERVISOR TO HAVE THE AUTHORITY TO PROCEED WITH
LITIGATION REGARDING GARBAGE PREVAILING WAGE
RESOLUTION #359

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

RESOLVED, that the Town Supervisor is authorized to proceed with litigation regarding Garbage Prevailing Wage.

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

PROPOSED CHANGES TO LAW REGARDING WATER METERS

Water Distribution Superintendent David Rambo stated that he would like to change the law on water meters. He stated that currently a resident can request that their water meter be tested for accuracy which cost \$5. He would like to raise this fee to \$85.

Supervisor Grace asked that draft legislation be prepared for the Town Board to review.

Councilman Paganelli raised an issue with residents that have had the new meters installed receiving large bills.

Supervisor Grace stated that he is receiving complaints on this issue every day.

Water Distribution Superintendent David Rambo explained that there are two meters one on the outside of the house and one on the inside. When the old meters are removed they are tested and it is showing a difference in the actual amount of water being used. He stated that the bills are reflecting the correct amount of water being consumed and not previously billed for.

Councilman Paganelli stated that this equates to a perfect storm. There is an increase due to the new meters being installed and being more accurate, an increase in NYC water rates and an additional month was added into the last billing cycle.

Councilman Murphy suggested that everyone with new meters start fresh and move forward paying an accurate amount.

Water Distribution Superintendent David Rambo stated that about 2,000 new meters have been installed. The old meters taken out have been tested for accuracy and are reading at accuracy levels of about 80% some even lower. National Metering Systems is installing the new meters and have been directed to just replace the old meters

Councilman Paganelli stated that it might be better for the Town to wait a year before beginning replacement of the entire 7,500 remaining water meters to see if there are any issues with the new meters.

Councilman Bianco stated that we should just go ahead and finish the project.

Town Comptroller Joan Goldberg stated that this new water meter system could allow the Town to take over the billing and save additional monies.

Supervisor Grace stated that he still has issues with this bid and feels the Town will be locked a certain kind of technology.

UNSAFE STRUCTURE – 1481 MAIDEN LANE

Building Inspector John Winter stated that he is getting some complaints about the property on Maiden Lane which was recently deemed an unsafe structure by the Town. He would like to know where the money to take down the building is going to come from.

Town Attorney Jeannette Koster stated that the Town has completed its legal action to remove the building.

SEPTIC APPROVALS

Building Inspector John Winter stated that there are no septic permits on file for houses built between the 1930's and 1950's, the Town Code states that his department cannot issue Certificate of Occupancy's without having a septic permit on file.

The Town Board stated that this is a jurisdictional issue and the Town should leave this with the Westchester County Department of Health to handle.

HOLLAND SPORTING CLUB
BUILDING INSPECTOR SIGN OFF ON DEMOLITION
RESOLUTION #360

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

Whereas, on 6/6/12 Building Inspector John Winter issued permit #20120006demo to the Town of Yorktown to demolish all structures at 1670 Decatur Road, SBL 15.20-1-39,AKA The Holland Sporting Club.

Whereas, the chimney from the building known as the casino and the building known as the communal bathroom as labeled on the Site Safety Plan pg ssp-001.00 drawn by NYCB engineering where not demolished.

Whereas, Building Inspector John Winter asked the Town Board for permission to modify permit #20120006demo to allow the 2 structures to remain.

Resolved, the Building Inspector is directed to modify permit #20120006demo to exclude the chimney from the casino building and the communal bathroom from this permit.

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

HOLLAND SPORTING CLUB

Supervisor Grace stated that the oil tanks located at the Holland Sporting Club were removed in 2007.

Councilman Patel stated that he has not seen this documentation and is concerned with debris left at the site.

Building Inspector John Winter stated that the debris left on the site is a landlord issue and that it is up to the Town Board whether debris that may be buried at the site is an issue.

Supervisor Grace stated that is glad the site is cleaned up and not an attractive nuisance.

Supervisor Grace stated that the wood chips will be removed from both entrances and a chain will be placed across the driveways. He stated that a plan for the site should be done and any issues can be addressed then.

FERAL CAT PROGRAM - BUDGET TRANSFER - \$1,400
RESOLUTION #361

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

Be It Resolved, the following 2012 budget transfer is hereby approved:

Decrease:	A.3120.467	Insurance	(\$1,500)
Increase:	A.3120.426	Feral Cat Control	+1,500

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

2008 FORECLOSURES
REMOVE DOCK LOTS

Supervisor Grace suggested removing the dock lots from the 2008 foreclosure list. The Town Board agreed to do this.

APPROVE ISSUANCE OF BUILDING PERMIT #2012-2300 & PERMIT #2012-2335 TO SPRINT TO ALTER, REMOVE AND INSTALL GROUND LEVEL AND POLE-MOUNTED EQUIPMENT AT DARBY STREET CROWN CASTLE
RESOLUTION #362

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

Whereas, the Building Department has received two applications from Sprint to modify wireless communication equipment at two Town of Yorktown owned sites. Application #2012-2335 at Heyward Street and application # 2012-2300 at Darby Street, both water tank sites.

Whereas, section 300-59 of the Town of Yorktown places the use of town property for a WCF under the sole discussion of the Town Board.

Whereas, the Building Department asked the Town Board if it wanted to review these applications before the Building Department issued permits in response to these applications.

Resolved, the Building Department may proceed with processing these applications without further review from the Town Board.

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

ADVERTISE BID FOR ELECTRICAL WORK ON TOWN BUILDINGS
RESOLUTION #363

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on September 24, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Electrical work on Town Buildings.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: ELECTRICAL WORK ON TOWN BUILDINGS.”**

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

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

ADVERTISE BID FOR AIR CONDITIONING MAINTENANCE AND REPAIR
RESOLUTION #364

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, September 24, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Heating, Ventilating and Air Conditioning (HVAC) Service and Maintenance Contract.

All bids must be accompanied by an execute non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

Payment and/or Performance Bonds may be required. A bid deposit equal to ten percent (10%) of the total bid shall be submitted with each bid. Such bid deposit shall be in the form of a bid bond or certified check.

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 at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

REFER OUT REQUEST TO DONATE PROPERTY TO TOWN FROM SHRUB OAK
ATHELETIC CLUB – 1246 NEW ROAD AND DECLARE LEAD AGENCY
RESOLUTION #365

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

RESOLVED, that the Town Clerk is hereby authorized to refer a request made to the Town Board by the Shrub Oak Athletic Club, Inc. regarding private property located at 1246 New Road to the following agencies for their review and recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

Building Inspector
Community Housing Board
Conservation Board
Highway department
Open Space Committee
Planning Department/Board
Recreation Commission
Town Attorney
Town Engineer
Water Department
File

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

CHANGE OF BUDGET REVIEW SESSIONS ORIGINALLY SCHEDULED FOR
NOVEMBER 15 AND 16, 2012 TO NOVEMBER 8 AND 9, 2012.
RESOLUTION #366

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

RESOLVED, the Budget Review Sessions of the Town Board scheduled to take place on November 15th and November 16th have been moved to November 8th beginning at 12:00PM noon and November 9th beginning at 9:00AM.

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

PINE GROVE COURT AND STONY STREET INTERSECTION LIGHTING SYSTEM

Supervisor Grace stated that he received correspondence from the NYS DOT which requests the Town take over the maintenance of the traffic light that will be placed at Route 202

and Pine Grove Court. Supervisor Grace will contact NYS DOT and find out the particulars on this issue.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH CUSHMAN & WAKEFIELD FOR APPRAISAL SERVICES AT AN ESTIMATED EXPENSE BETWEEN \$18,000 AND \$24,000.

RESOLUTION #367

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

Resolved, upon recommendation of the Town Assessor, the Supervisor is authorized to sign an agreement with Cushman & Wakefield for appraisal services on Section 15.15, Block 1, Lot 23, in the following order:

Phase One, preliminary appraisal	\$18,000
Phase Two, trial ready (if needed)	\$ 6,000
Total Authorization	\$24,000

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

AWARD ELEVATOR INSPECTION & MAINTENANCE BID #12-04

RESOLUTION #368

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

Bids were received today for the for the Elevator Inspection & Maintenance Bid #12-04, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Pomassi Elevator, Inc.	\$6,600.00
ThyssenKrupp Elevator	\$7,200.00

In order to award this bid I am requesting the Town Board adopt the following resolution:

RESOLVED, that the bid for the Elevator Inspection & Maintenance, Project #12-04 be awarded to Pomassi Elevator, Inc., the low bidder, at a cost of \$6,600.00.

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

RELEASE EROSION CONTROL BOND – WALUK - #BSWPPP-076-11 SOUTH SHELLEY STREET

RESOLUTION #369

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

WHEREAS, John Waluk, as applicant, posted \$300.00 which was deposited into the T33 Account on November 18, 2011, covering Stormwater Permit #076-11, for work performed at his South Shelley Street 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 may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Mr. John Waluk, 3260 South Shelley Street, Mohegan Lake, NY 10547.

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

REDUCTION IN PERFORMANCE & EROSION CONTROL BOND – CONTRACTOR’S REGISTER SITE PLAN – EAST MAIN STREET
RESOLUTION #370

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

WHEREAS, Contractor’s Register, as applicant, provided the Town with Check #126955 in the amount of \$72,390.00, which was deposited into the T33 account on December 9, 2011, to serve as the Performance Bond for the Contractor’s Register Site Plan located on East Main Street, and

WHEREAS, Contractor’s Register, as applicant, provided the Town with Check #126956 in the amount of \$5,000.00, which was deposited into the T33 account on December 9, 2011, to serve as the Erosion Control Bond for the above referenced site plan, and

WHEREAS, Contractor’s Register, as applicant, provided the Town with Check #127095 in the amount of \$2,500.00, which was deposited into the T33 account on December 9, 2011, for landscape and tree mitigation corrective work, which will be held for a three-year period, for Tree and Stormwater Permit #T-BSWPPP-043-11, and

WHEREAS, Contractor’s Register, as applicant, provided the Town with Check #127903 in the amount of \$2,500.00, which was deposited into the T33 account on December 9, 2011, to serve as the Erosion Control Bond for the above referenced Tree and Stormwater permit, and

WHEREAS, Contractor’s Register, as applicant, provided the Town with Check #127093 in the amount of \$800.00, which was deposited into the T76 account on December 9, 2011, for wetland consultant inspection fees for the above referenced Tree and Stormwater Permit, and

WHEREAS, the applicant has requested all monies be released as all work has been completed, and

WHEREAS, the Acting Town Engineer has said that the Performance & Erosion Control Bonds may be reduced and held for one-year as a condition of site plan approval for the Contractor’s Register Site Plan, and

WHEREAS, that the above referenced Performance Bond #41206723 be reduced to \$7,237.00 and the Erosion Control Bond #41206724 be reduced to \$1,500.00, and

WHEREAS, a member of the Engineering Department has informed the Acting Town Engineer that said items have been satisfactorily completed and that the \$77,390.00 Performance & Erosion Control Bonds can be reduced to \$8,737.00 (\$77,390.00- \$8,737.00 = \$68,653.00 back to developer), NOW, THEREFORE BE IT,

RESOLVED, that the above referenced monies may be released to Mr. James O’Malley, P.O. Box 500, Jefferson Valley, NY 10535, and BE IT FURTHER

RESOLVED, that Check #127095 in the amount of \$2,500 and Check #127093 in the amount of \$800 (current balance \$375), will be held until the end of the three-year period.

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

RELEASE PERFORMANCE & EROSION CONTROL BOND FAIRHILLS FARMS SUBDIVISION
RESOLUTION #371

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

WHEREAS, Thomas McKenna, as applicant, provided the Town with Gulf Insurance Group Performance Bond No. B1268112, in the amount of \$217,649.75, to serve as the Performance Bond for the Fairhills Farms Subdivision, located on Kitchawan Road, and

WHEREAS, Thomas McKenna, as applicant, provided the Town with Check No. 0169200843, in the amount of \$11,455.25, which was deposited into the T33 account on January

24, 2003, to serve as the required 5% cash portion of the Performance Bond for the Fairhills Farms Subdivision, and

WHEREAS, Thomas McKenna, as applicant, posted Check No. 0169200840, in the amount of \$25,000, which was deposited into the T33 account on January 24, 2003, to serve as the Erosion Control Bond, to insure the completion of public improvements associated with the Fairhills Farms Subdivision, and

WHEREAS, Thomas McKenna, as applicant, requested a Performance Bond reduction (reduction to \$69,405.25), which was approved at the April 6, 2004 Town Board meeting, 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 Performance Bond in the amount of \$69,405.25, is hereby released to Mr. Thomas McKenna, and, BE IT FURTHER

RESOLVED, that the 5% cash portion of the Performance Bond, in the amount of \$11,455.25, is hereby released to Mr. Thomas McKenna, and, BE IT FURTHER

RESOLVED, that the Erosion Control Bond in the amount of \$25,000, is hereby released to Mr. Thomas McKenna, Thomas McKenna Construction Inc., 401 Kensington Way, Mount Kisco, NY 10549.

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

ACCEPT DEDICATION OF FAIRHILLS DRIVE AND CLOVERHILL LANE
RESOLUTION #372

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

WHEREAS, that upon the dedication of Fairhills Drive & Cloverhill Lane, as depicted on Plat Map No. 27093 entitled "Subdivision Map of Fairhills Farms", and filed in the Westchester County Clerk' Office, Division of Land Records, on December 19, 2002, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, the Town Board of the Town of Yorktown hereby accepts the dedication and hereby consents to the Superintendent of Highways of the Town of Yorktown making an order laying out the aforesaid Town Highway and filing such order with the Town Clerk.

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

RELEASE RETAINAGE – AROLD CONSTRUCTION COMPANY – SHERMAN COURT
BRIDGE CULVERT REPLACEMENT PROJECT #11-01
RESOLUTION #373

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

WHEREAS, Arold Construction Company Inc. completed the Capital Project No. 11-01 at a total cost of \$359,860.00, which the Town considered complete on October 28, 2012 (plantings/grading in April 2012), and

WHEREAS, Arold Construction Company, Inc. has completed the work greater than 10 months ago and in accordance with the Contract Documents, and

WHEREAS, the Town withheld \$17,666.75 as retainage, and

WHEREAS, that in accordance with the Contract Documents, the retainage percentage be reduced from 5% to 0%, and BE IT FURTHER

RESOLVED, that the amount of \$24,191.75 (\$17,666.75 retainage plus \$6,525.00 work completed this period) is hereby released to Arold Construction Company, Inc., 51 Powder Mill Bridge Road, Kingston, NY 12401.

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

ADVERTISE BID FOR MAINTENANCE OF PHOTOCOPIERS PER ATTORNEY REVIEW
RESOLUTION #374

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

Resolved, that the Town Board grants permission to advertise a bid for Maintenance of Photocopiers, subject to Town Attorney Review.

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

AUTHORIZE HIGHWAY TO PURCHASE 1993 & 1995 INTERNATIONAL 2574 DUMP
TRUCK FOR \$6,100 & 10,000 FROM THE WATER DEPARTMENT
RESOLUTION #375

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

RESOLVED, the Town Board grants permission to the Superintendent of Highways to purchase the two trucks listed below from the Water Department.

1993 Inter'n 2574 Dump Truck	\$ 6,100.00
1995 Inter'n 2574 Dump Truck	\$10,100.00

The monies will come from Highway Line D5142.105, snow overtime.

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

EXTEND BID STREET LIGHT MAINTENANCE – HIGHWAY DEPARTMENT
RESOLUTION #376

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

WHEREAS, invitation to bid for Street Light Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 4, 2010.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Street Light Maintenance be and is hereby extended for one year, per the terms of the Bid, to P&M Electric.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2012 through August 14, 2013.

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

EXTEND BID TRAFFIC SIGNS – HIGHWAY DEPARTMENT
RESOLUTION #377

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

WHEREAS, invitation to bid for the Traffic Signs for Town of Yorktown, was duly advertised and

WHEREAS, said bids were received and opened on 5th day of August, 2011.

RESOLVED, that upon recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Traffic Signs be and is hereby awarded to Glenco Supply Inc., POB 638, Oakhurst, NJ 07755, the most responsive bidder.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2012 through July 31, 2013.

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

EXTEND BID TRAFFIC LIGHT REPAIR/MAINTENANCE – HIGHWAY DEPARTMENT
RESOLUTION #378

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

WHEREAS, invitation to bid for Traffic Light Repair/ Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 4, 2010.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Traffic Light Repair/Maintenance be and is hereby extended for one year, per the terms of the Bid, to Verde Electric.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2012 through August 15, 2013.

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

EXTEND BID ASPHALTIC CONCRETE LAID-IN PLACE BID – HIGHWAY
DEPARTMENT
RESOLUTION #379

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

WHEREAS, invitation to bid for the Asphaltic Concrete Laid-in-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 5, 2011.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Asphaltic Laid-in-Place be and is hereby awarded to Bilotta Construction Corp., 296 Purchase Ave, Rye, NY 10580, the most responsive bidder.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2012 through July 31, 2013.

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

EXECUTE STIPULATION CONSENTING TO ELECTRONIC FILING WITH TAXPAYERS
WHO FILE SMALL CLAIMS ASSESSMENT REVIEW PETITIONS
RESOLUTION #380

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

RESOLVED, the Town Supervisor is authorized to execute a Stipulation Consenting to Electronic Filing with Taxpayers Who File Small Claims Assessment Review petitions, to permit the electronic filing of petitions challenging the Town Assessor's property assessments under the 2012 Final Assessment Roll. The purpose of the Stipulation is to allow the Town of Yorktown to participate in a program operated by the Westchester County Clerk under Part 202 of the Uniform Rules of the Supreme and County Courts to facilitate E-Filing of small claims assessment review petitions.

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

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown