

Regular meeting held by the Town Board,
On October 2, 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 Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss the promotion of a town employee and to interview a firm that would provide assistance in the Comptroller's Office. Upon motion made by Councilman Paganelli, seconded by Councilman Murphy, to move out of Executive Session.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster and Acting Town Engineer Sharon Robinson 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.

PROCLAMATION

Supervisor Grace read the following Proclamation in honor of German American Day.

***WHEREAS** German Americans through their work and contributions to the culture of the United States since the arrival of the first German immigrants in the United States on October 6, 1683 have earned this recognition and tribute to their achievements; and*

***WHEREAS** for more than three centuries Germans have helped build and strengthen this country and historically constitute the staunchest supporters of the democratic values and principles of the United States of America; and*

***WHEREAS** as they have before, so will Americans of German descent continue to contribute to the life and culture of the United States and will work for and will support the government of the United States, its democratic principles and the freedom of all people everywhere; and*

***WHEREAS** such contributions should be recognized and celebrated in 2012 and annually thereafter; and*

***WHEREAS** common ties and lasting friendship exist between the United States and the Federal Republic of Germany and other German speaking countries.*

NOW, THEREFORE, I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the Town Board, hereby proclaim Friday, October 6, 2012 as

"GERMAN AMERICAN HERITAGE DAY"

in the Town of Yorktown, and I urge all residents to join their fellow residents in marking this observance.

Councilman Bianco read the following Proclamation in honor of Italian American Week.

WHEREAS, Americans as a people, are a rich and diverse mixture of many cultural, religious and ethnic groups from all over the world; and,

***WHEREAS**, Italian-Americans, through their work and contributions to the economy and culture of the United States, deserve recognition for their achievements; and,*

***WHEREAS**, Italian-Americans have helped build and strengthen this county and have historically supported the values and principles of the United States of America; and*

***WHEREAS**, the Christopher Columbus Society of Yorktown has initiated programs to recognize the benefits Italian-Americans bestow upon the progress and well-being of the American nation to ensure that the best qualities of Italian culture are perpetuated here in America.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim October 2012 as*

'ITALIAN AMERICAN MONTH'

State Senator Gregory Ball also presented a Proclamation in honor of Italian American Week to the members of the Italian American Club.

Councilman Paganelli read the following Proclamation also in honor of Italian American Week.

***WHEREAS** a community draws its spirit, strength and values from the concern and commitment of all the individuals and organizations serving within its boundaries, a strength measured in community pride that has enabled Yorktown to grow and prosper; and*

***WHEREAS** Americans, as a people, are a rich and diverse mixture of many cultural, religious and ethnic groups from all over the world and Italian-Americans, through their work and contributions to the economy and culture of the United States, deserve recognition for their achievements; and*

***WHEREAS** Circolo da Vinci was formed in 1982 incorporated as a non-profit membership organization to promote an appreciation and awareness of Italian culture and heritage and to promote an awareness of the contributions of Italian Americans to the development of the United States and the World; and*

***WHEREAS** Circolo da Vinci is a sponsor in community artistic and cultural activities of Italian origin, educates Italian American youth as to their heritage, has given out thousands of dollars in scholarships and promotes a greater understanding of Italian values and heritage in the community;*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim October 2012 as*

"ITALIAN HERITAGE MONTH"

In the Town of Yorktown, and I urge all residents to join their fellow residents in marking this observance.

Supervisor Grace introduced State Senator Gregory Ball by reading the following biography of a former Yorktown resident who has been nominated to the 40th Senate District Veterans Hall of Fame:

"Robert Perry is the Town of Yorktown's nominee for the 40th Senate District Veterans Hall of Fame, 2nd Class.

Born in Vermont in the year 1923, Robert Perry spent two years and 10 months in the United States Army, 7th Calvary Division during World War II, reaching the rank of Technician 5th Grade.

Robert Perry spent his career working for the Town of Yorktown splitting time between the Parks Department and the Highway Department. Mr. Perry also gave 60 years of service to the Yorktown Heights Engine Company. Additionally, Mr. Perry was a member of the Veterans of Foreign Wars, the American Legion and the Elks.

Mr. Perry passed away in 2009 at the age of 85”.

Senator Ball invited Mr. Perry’s widow Alice to join him and the Town Board at the podium for a photograph. The Senator called Mr. Perry, a true American Hero and further stated that ceremony for this year’s Veterans Hall of Fame nominees next month.

DURING REPORT THE REPORT FROM THE SUPERVISOR, he spoke about the ribbon cutting ceremony on the AMVET Bridge today. The rehabilitation work was been completed. All lanes on the Taconic Parkway will be opened by Friday. Sunday is Support Connection’s Support-A-Walk Day at FDR Park. After that event, the Yorktown Chamber of Commerce will hold its 4th Annual Harvest Festival. Supervisor Grace also stated that the bid for Residential Garbage was opened yesterday. He explained that because qualification requirements were revised, the process was opened up to new companies. The two low bids represent a reduction from the current contract. One company has a bid that reduces the current cost by \$500,000. The other low bid reduces the current cost by one million dollars. The Town Board will discuss the bid during our next work session.

DURING REPORTS FROM THE TOWN COUNCIL,

Councilman Bianco thanked Supervisor Grace for sending the garbage contract out for re-bidding rather than renewing the contract. He also thanked Senator Ball for his help in getting the work on the AMVET Bridge completed earlier than expected. He worked with other State Legislators to get wording in the bid that would offer a bonus if the work was completed ahead of schedule.

Councilman Murphy also spoke about the Support A Walk at FDR Park on Sunday stating that thousands of people attend the event each year. .

Councilman Patel spoke about several events including Lakeland School’s induction of students into the Lakeland Hall of Fame.

Councilman David Paganelli announced that the Water Department will be flushing water hydrants in Sections 4, 5, 6 and 7. The Town Board will hold a discussion on whether to continue adding fluoride to our water at a future work session.

DURING THE REPORT FROM THE STATE CAPITAL, Senator Gregory Ball spoke about his accomplishments in the State Senate including bringing \$25 million in grants to the 40th Senatorial District. Yorktown received \$100,000 for improvements to rest room as the Yorktown Community and Cultural Center; \$100,000 for recreational programs and \$50,000 to help pay for the Pinesbridge Monument.

APPROVE RESOLUTIONS FROM THE MEETING OF 9/18/2012 RESOLUTION # 435

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

Resolved, that the Town Board Meeting Resolutions for September 18, 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 Town Board:

A member of Yorktown Smart Growth stated that his group is seeking clarification on the COSTCO Draft Environmental Impact Statement (DEIS). Smart Growth is sponsoring an informational meeting on Thursday at the Mohansic Grill in Mohansic Park.

Mr. Paul Moskowitz, also a member of Yorktown Smart Growth stated that the Planning Board has announced that they will hold a public hearing on the COSTCO DEIS. The meeting will take place on October 15th in the Nutrition Center at the Yorktown Community and Cultural Center. Members of the public will be able to express their concerns. The developer will later respond to concerns raised at that public hearing in an (FEIS) Final Environmental Impact Statement.

Mr. Gil Kaufman thanked Senator Ball for his assistance in getting the Town of Yorktown \$100,000 to renovate the bathrooms in the Nutrition Center.

Mr. Arthur Ornek, a Commissioner of the Yorktown Heights Fire District wanted to clear up some misinformation that was given out at the last Town Board Meeting. A gentleman from the United Tax Payers said he was looking at the Fire District's Audit, and said it was not an audit. The Fire District takes exception to that remark. An audit of our books was done in 2011 as it is every year. A copy of the Audit Report was given to the Town Clerk's Office in August. The Audit cost taxpayers \$8,000. Page 1 of the Audit is entitled "Independent Auditors' Report."

Mr. Vincent Scott, a resident of the Millpond area told the Town Board that last year the stream behind his home appeared as if it was going backwards. He spoke to Bruce Barber who came out and told him there was an obstruction in the stream. The Highway Department came out and removed some debris. He was later told by Mr. Barber that the basic problem remains. When Supervisor Siegel was in office she told her that she would try to place this problem on a list of projects to be done and paid for with a bond. Since the work was never done, I assume that she tried, but other projects might have been more pressing. Mr. Scott stated that he is concerned that his area will be overlooked. This poses a potential problem for the Hunter Brook.

Supervisor Grace told Mr. Scott that his area will not be forgotten. He is working on a project that would create regional detention ponds in his area. The work would be paid for with New York State funding.

Mr. William Primavera stated that he is a member of Smart Growth and is now a member of a new group called Citizens for a Progressive Yorktown. He handed the Town Clerk a handout called Facts about why Costco is good for Yorktown. Mr. Primavera said he is a Yorktown realtor. The company he works for has done studies and has found out that the #2 reason for buying a house in a given area is the shopping.

Mr. Michael Parro, a senior citizen living in Yorktown explained that today's economy makes it really difficult for people like him. The Town does fund the Yorktown Community and Cultural Center. But, seniors still have to pay to ride the bus, to eat in the nutrition center, and recently one of the buses that would allow for more seniors to attend a luncheon was cancelled. He asked the Town Board to be more considerate in its funding of the senior programs.

ADVERTISE PUBLIC HEARING
AMENDED SPECIAL USE PERMIT – SANCTUARY GOLF COURSE
RESOLUTION #436

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, NY 10588 on the 16th day of October, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider amending the current Special Use Permit for Sanctuary Golf Course to add an additional tennis court and an additional paddle tennis court, parking area modifications to include "green infrastructure" stormwater management facilities, specifically the incorporation of bioretention facilities into the clubhouse parking lot islands and in the planted area in front of the clubhouse.

A copy of said application is on file in the Office of the Town Clerk, at the said Town Hall, 363 Underhill Avenue, Yorktown Heights, NY where the same may be inspected during regular office hours.

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

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

REMINDER - TOWN BOARD MEETING OCTOBER 16, 2012 WILL BE HELD AT THE JOHN C. HART MEMORIAL LIBRARY

RESOLUTION #437

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

RESOLVED, that the regular meeting of the Town Board of the Town of Yorktown will be held on October 16, 2012, at the John C. Hart Memorial Library located at 1130 East Main Street, Shrub Oak, New York 10588. The televised meeting will begin at 7:30 P.M.

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

ADVERTISE BID 5 YEAR INSPECTION/TESTING SPRINKLER SYSTEMS

BID #12-8 – ENGINEERING DEPARTMENT

RESOLUTION #438

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

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, October 22, 2012, for 5-Year Inspection/Testing Sprinkler Systems, Bid #12-8.

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.

REJECT AND REBID ELEVATOR MAINTENANCE BID

RESOLUTION #439

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

Resolved, the Town Board rejects and rebids the Elevator Maintenance Bid,

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, October 15, 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.

REJECT AND REBID HVAC BID
RESOLUTION #440

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

Resolved, the Town Board rejects and rebids the HVAC Bid,

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, October 15, 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.

AWARD BID – COLD WATER METER
RESOLUTION #441

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

WHEREAS, invitation to bid for the water meters and radio devices was duly advertised, and

WHEREAS, E.J. Prescott, Inc., HD Supply Waterworks and Sensus USA each submitted bids,

WHEREAS, sealed bids were received and opened on September 24, 2012, with the bid amounts for the above-referenced project summarized as follows:

Item 1a: 5/8"X3/4" Meters (less couplings)	INDOOR SET	OUTDOOR PIT SET
E.J. Prescott, Inc.	\$ 99.50	\$119.55
HD Supply Waterworks	\$142.15	\$161.10
Sensus USA	\$153.00	\$164.00

	INDOOR SET	OUTDOOR PIT SET
Item 1b: 1" Meters (less couplings)		
E.J. Prescott, Inc.	\$165.04	\$184.76
HD Supply Waterworks	\$230.05	\$248.98
Sensus USA	\$243.00	\$254.00
Item 2a: 5/8"x3/4" SRII Retrofit ECR Assemblies (Indoor)		
E.J. Prescott, Inc.	No Bid	
HD Supply Waterworks	\$140.00	
Sensus USA	No Bid	
Item 2b: 1" SRII Retrofit ECR Assemblies (Indoor)		
E.J. Prescott, Inc.	No Bid	
HD Supply Waterworks	\$225.00	
Sensus USA	No Bid	
Item 3a: 5/8"x3/4" SRII Retrofit TR-PL Assemblies (Outdoor)		
E.J. Prescott, Inc.	No Bid	
HD Supply Waterworks	\$158.00	
Sensus USA	No Bid	
Item 3b: 1" SRII Retrofit TR-PL Assemblies (Outdoor)		
E.J. Prescott, Inc.	No Bid	
HD Supply Waterworks	\$243.00	
Sensus USA	No Bid	
Item 4a: Sensus Radio Device-Model MXU M2 sp/3w hr/leak det.510		
E.J. Prescott, Inc.	\$123.08	
HD Supply Waterworks	\$160.00	
Sensus USA	\$165.00	
Item 4b: Sensus Radio Device-Model MXU M2 sp/tc hr/leak det.510		
E.J. Prescott, Inc.	\$129.49	
HD Supply Waterworks	\$168.34	
Sensus USA	\$175.00	
Item 5a: Sensus Radio Device-Model MXU M2 pit sp/3w hr/leak det.520		
E.J. Prescott, Inc.	\$139.10	
HD Supply Waterworks	\$180.84	
Sensus USA	\$185.00	
Item 5b: Sensus Radio Device-Model MXU M2 pit sp/3w hr/leak det.520		
E.J. Prescott, Inc.	\$135.90	
HD Supply Waterworks	\$176.67	
Sensus USA	\$188.00	
Item 6: 3 wire conductor (22 gauge) per roll (1,000 feet)		
E.J. Prescott, Inc.	\$180.00	
HD Supply Waterworks	\$300.00	
Sensus USA	\$260.00	

RESOLVED, that upon the recommendation of the Water Superintendent, David Rambo, the bid for Sensus water meters model SRII and radio devices for the Water District be and is hereby awarded to:

E.J. Prescott, Inc. - Items: 1a (indoor and outdoor); 1b (indoor and outdoor); 4a; 4b; 5a; 5b; and 6.

HD Supply Waterworks – Items: 2a; 2b; 3a; and 3b.
the lowest responsible bidders.

FURTHER RESOLVED, said bid shall remain in effect with a fixed price for a binding period of one (1) year beginning October 3, 2012.

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

TWO (2) F-250 TRUCKS - SEWER DEPARTMENT
RESOLUTION #442

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

Bids were received for the purchase of pickup truck (s) for the Water Pollution Control Plant and are summarized as follows:

NAME OF BIDDER	AMOUNT OF BID
West Herr NY	(1) truck - \$31,221.00 (2) trucks - \$62,442.00
Interstate Ford Truck Sales, Inc.	(1) truck - \$28,940.00 (2) trucks - \$57,880.00
Milea Truck Sales & Leasing Corp.	(1) truck - \$28,620.00 (2) trucks - \$55,740.00

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

WHEREAS, the apparent low bidder and the number two bidder have been evaluated to determine compliance with the Town of Yorktown's bid specifications and the following variances were determined,

Specification	Town specifications	Low Bidder
Warranty	7 year/120,000 mile	6Year/100,000 miles
Safety	Side / Overhead Air bag (stand)	Optional / not in bid
Motor	HP 385 Torque 405	HP 360 torque 380
GVWR	10,000	9,500
Payload Capacity	3,380 lbs	N/A not shown on bid or website

WHEREAS, there is no indication of the frame strength from the GMC bid, Ford bid is showing 36,000 psi, this is important for the payload and any plowing that maybe done with these vehicles. Our specification provides for Rigid Axle and Leaf spring Suspension, not independent suspension, and

WHEREAS, the specification provides for a rear 60-40 split-bench seat, w/rear fold up cushion. The GMC bid shows a credit in lieu of meeting the specification GMC also credited the bid price with the removal of the spare tire, the steel wheel is in the bid but the rubber tire is removed, and

WHEREAS, the apparent low bidder does not meet the specifications, NOW,
THEREFORE BE IT

RESOLVED, that bid12-05 be awarded to the second lowest bidder for 2 truck(s) at a cost of \$57,880.00 Interstate Ford Truck Sales, Inc., 45 Brainard Road, Hartford, CT 06114, Attn: John J. Jungen.

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

APPOINTMENT – ADVISORY BOARD ON ARCHITECTURAL COMMUNITY
APPEREANCE (ABACA) - ROXANNE VISCONTI
RESOLUTION #443

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

BE IT RESOLVED, that Roxanne Visconti is hereby appointed as an alternate member of the Advisory Board of Architectural and Community Appearance for a three year term expiring October 2, 2015.

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

AGREEMENT WITH WSP SELLS FOR ADDITIONAL WORK FOR THE GREENWOOD STREET BRIDGE
RESOLUTION #444

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Amendment to its existing agreement with WSP Sells for the subsurface investigation and sheeting design, for the Greenwood Street Bridge project for a lump sum price of \$25,160.00.

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

AGREEMENT WITH BIRDSALL SERVICES GROUP FOR THE SPARKLE LAKE DAM PROJECT 2012 NYS DEC COMPLIANCE REQUIREMENTS
RESOLUTION #445

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Amendment to its existing agreement with Birdsall Services Group for the Contract Documents and Dam Permitting Services, for a fixed fee price of \$34,400.00.

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

BUDGET TRANSFER – ENGINEERING DEPARTMENT
RESOLUTION #446

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

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

Decrease:	YS 8130.0459	Yorktown Sewer/Infl Ctrl	(\$57,880)
Increase:	YS 8130.0201	Yorktown Sewer/Equipment	\$57,880

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

BOND RELEASE #WP-025-12 – GRANITE SPRINGS ROAD
RESOLUTION #447

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

WHEREAS, Douglas & Karen Erickson, as applicants, heretofore filed an Erosion Control Bond in the amount of \$300.00, which was deposited into the T33 Account on May 21, 2012, covering Wetland Permit #025-12, for work performed at their Granite Springs 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 Erosion Control Bond in the amount of \$300.00 be and is hereby released to Mr. & Mrs. Douglas Erickson, 54 Granite Springs Road, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

BOND RELEASE #WP-042-12 – JAMES STREET
RESOLUTION #448

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

WHEREAS, Aldo Caputi, as applicant, heretofore filed an Erosion Control Bond in the amount of \$300.00, which was deposited into the T33 Account on July 2, 2012, covering Wetland Permit #042-12, for work performed at his James 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 control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00 be and is hereby released to Mr. Aldo Caputi, 3582 James Street, Shrub Oak, NY 10588.

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

ACCEPT PERFORMANCE, EROSION CONTROL, INSPECTIONS FEES – CROMPOND
CROSSING SITE PLAN – ROUTE 202
RESOLUTION #449

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

WHEREAS, Robert Schrader applicant, provided the Town with The First Bank of Greenwich Letter of Credit #101-2012 in the amount of \$545,735.00 to serve as the Performance Bond for the Crompond Crossing Site Plan located on Old Crompond Road, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #104-2012 in the amount of \$35,000.00 to serve as the Erosion Control Bond, and

WHEREAS, The Gateway Development Group, Inc., as applicant, provided the Town with Check #1016, in the amount of \$46,458.00 to serve as the 8% Inspection Fee, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #103-2012 in the amount of \$35,000.00 to serve as the Erosion Control Bond for Wetland Bond for Wetland, Stormwater & Tree Permit #WP-FSWPPP-T-032-11, and

WHEREAS, Robert Schrader as applicant, provided the Town with The First Bank of Greenwich Letter of Credit #102-2012, in the amount of \$25,000.00 to serve as the Wetland Bond the above referenced permit, #WP-FSWPPP-T-032-11, and

WHEREAS, The Gateway Development Group, Inc., as applicant, provided the Town with Check #1015, in the amount of \$5,000.00 to serve as the Inspection Fee for the above referenced permit, #WP-FSWPPP-032-11, for the Town's wetland consultant, NOW, THEREFORE BE IT

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

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

DISCREPANCY OF WATER ACCOUNTS AND BILLING MODIFICATION
RESOLUTION #450

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

WHEREAS, The Water District is currently replacing forty and fifty year old water meters throughout the District;

WHEREAS, the District's goal is to simplify the billing process and standardize all of the meters within the system;

WHEREAS, it has become necessary to amend the billing procedure on accounts only when consumption recorded from the old meter is in excess of 50,000 gallons difference to the external device;

THEREFORE, BE IT RESOLVED, the consumption reflected on the remote reading device will be recorded and calculated accordingly enabling the above amendment, and

FURTHER RESOLVED, if such meter information is not available, the bill for consumption from the old meter will be issued for an amount equal to an average of three years of billing history for the account in the corresponding billing period plus any available new consumption data.

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

REFUND NORTHERN WESTCHESTER JOINT WATER WORKS – ACCOUNT #41-15031754 - \$185.08
RESOLUTION #451

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

RESOLVED, that the Town Board approves a refund in the amount of \$185.08 be made to Mr. Michael Greiss, 1754 Clover Road, Mohegan Lake, NY 10547, Account #41-15031754, representing a duplicate water bill payment.

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

REFUND DUPLICATE TAXES – ACCOUNT #2736500
RESOLUTION #452

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

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
2012 Sch 22	27.07-1-2	2736500	\$2,758.73

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

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

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

Mrs. Susan Siegel asked if this was a lateral move for Mr. Tom Gallelo?

Supervisor Grace said it was.

Mrs. Siegel asked how much money would the Duffy firm cost the Town of Yorktown.

Supervisor Grace stated that they will be paid up to \$9,000 a month to provide assistance in the Comptroller's Office.

Mr. Ed Ciffone asked about the town's auditors.

Supervisor Grace stated that we found serious mistakes in the last audit. We will be sending out a Request for Proposals for a new auditing firm.

Mr. Ciffone asked about the on-going litigation with Cablevision over franchise fees.

Mr. Grace stated that earlier reports of what the Town could be owed might have been premature. Cablevision is saying that the monies that were being talked about are not part of the franchise agreement. Right now, Cablevision is working on another issue involving a New York City television channel. He doesn't know when this issue will be settled.

Mr. Ciffone asked why water rates have gone up.

Councilman Paganelli explained that we were hit with an increase from New York City, the bill is for five months, not four months and the billing periods covers the summer, when we use more water.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss several matters including insurance and a litigation update. Upon motion made by Councilman Paganelli, seconded by Councilman Murphy, to move out of Executive Session.

ADJOURN

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

Alice E. Roker, Town Clerk
Town of Yorktown