

Work Session held by the Town Board, Town of Yorktown on
October 23, 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:

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to conduct Volunteer Board Interviews. Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board Work Session was convened.

WORK SESSION

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

APPOINTMENT – BOARD OF ASSESSMENT - JOHN KINCART RESOLUTION #492

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

BE IT RESOLVED, that John Kincart is hereby reappointed as a member of the Board of Assessment Review Board for a five year term expiring on September 30, 2017.

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

FRONT STREET PARKING

Mr. David Yaffe, Esq. representing Bauman Bus Company was present to discuss with the Town Board alternative parking solutions for its bus drivers who are currently parking on Front Street which is causing local businesses to have parking issues as well.

Supervisor Grace stated that there might be a long term solution by utilizing some property on the side and rear of the bus company to address this problem but some type of mitigation will need to be done.

Supervisor Grace suggested asking UPS to come in and see if a compromise can be worked out to allow parking until a long term solution can be found.

Councilman Paganelli suggested looking at the area and possibly lifting the No Parking from the bus company to the end of cul de sac to allow drivers to park there.

The Town Board agreed to take a look at this area and see what short-term solution will work for now and ask UPS to come in and discuss possible long term solutions to alleviate the parking situation of Front Street.

FOX DEN ESTATES RESOLUTION #493

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

WHEREAS, the Town of Yorktown Town Board is desirous of including two (2) parcels of land into the existing Peekskill Sanitary Sewer District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate parcel 36.13-1-4 and parcel 36.13-1-5 into the Peekskill Sanitary Sewer District:

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

BRIGHT BEGINNINGS

Ms. Mara Zeidens was present to discuss the three percent rent increases for the renter at the YCCC for next year. Ms. Zeidens who runs Bright Beginnings Daycare at the YCCC stated that the Town currently charges different rates for profit and non-profit organizations. She does not think it is fair to increase the rents for next year by three percent, she noted that every tenant there has a different rate.

Supervisor Grace explained that every tenant will have a different rent rate because it is based on many different variables not only how much space you are using. Supervisor Grace suggested that Ms. Zeidens put a counter offer to the Town and they will take a look at it.

COMMERCIAL REGIONAL SHOPPING DISTRICT (CRS) RESOLUTION #494

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

RESOLVED, that the Town Clerk is hereby authorize to refer a Proposed Local Law amending Article XIX, Chapter 300 of the Town of Yorktown entitled "ZONING," concerning the parking and off-street loading zone requirements in commercial districts and Commercial Regional Center special districts. The Board would like your comments sent or emailed to me at alice@yorktownny.org before November 19, 2012. May I also request that even if you have no comments or opinions, you are asked to share that as well, and

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

To: Ed Buroughs, Commissioner, Westchester County Planning Commissioner
Cheryl Winter Lewy, Chair Westchester County Planning Board
Dr. Shelita Amler, Westchester County Health Commissioner
William Janeway, Regional Director, New York State Department of Environmental Conservation
Cynthia Garcia - New York City Department of Environmental Protection
JoAnn Dyckman, Town Clerk - Town of Cortlandt
Kathleen Pacella, Town Clerk - Town of Somers

Eileen Royael, Town Clerk -Town of Putnam Valley

Jill Shapiro, Town Clerk - Town of New Castle
Mary Ann Roberts, Town Clerk - Town of Ossining
Dr. Ralph Napolitano, Superintendent, Yorktown Central School District
Dr. George Stone, Superintendent, Lakeland School District
Dr. Phyllis Glassman, Superintendent, Ossining School District
Dr. Edward Fuhrmam, Superintendent, Croton on Hudson School District
Joe Visconti – President, Yorktown Chamber of Commerce

Town of Yorktown Agencies
ABACA
Building Inspector
Conservation Board
Environmental Consultant
Highway Department
Planning Department/Board
Town Attorney
Town Board

Town Engineer
Water Department
File

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

CROTON OVERLOOK FEES

Supervisor Grace explained that there is still an outstanding balance on the Croton Overlook project that is owed to the law firm of Wormser, Kiely, Galef and Jacobs.

Councilman Paganelli stated that the applicant is looking for a detailed bill to review before he pays the rest of the fees owed.

Planning Director John Tegeder explained that the applicant must pay the fees owed before he can go to the Planning Board.

The Town Board will work on this issue.

WINERY AT ST. GEORGE

TCO REFERRAL
RESOLUTION #495

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

Whereas, St. George's, LLC has requested a Temporary Certificate of Occupancy from the Building Inspector, and

Whereas, pursuant to Section 300-196B, the Building Inspector may be authorized to issue a Temporary Certificate of Occupancy.

Resolved, the Town Clerk is hereby authorized to refer the request out for review and recommendation from the appropriate town agencies.

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

EAST OF HUDSON STORMWATER RETROFIT PROJECT

Acting Town Engineer Sharon Robinson gave an update on stormwater projects. These projects are at Sparkle Lake, the Highway Department and Police Department. The funds to pay for these projects are coming from the East of Hudson Consortium. The Town Board agreed to move forward with these projects.

RESIDENTIAL GARBAGE BID

Supervisor Grace motioned to award the Residential Garbage bid to the lowest bidder Competition Carting. No second was received and a discussion regarding the lowest bidder began.

Councilman Bianco stated that he had some questions for Brian Amico, president of Competition Carting.

Councilman Bianco asked Mr. Amico how many employees and trucks he currently has, What his experience was with residential garbage collection and asked about his finances.

Mrs. Kim Angliss Gage, Coordinator of the Department of Environmental Conservation, stated that she recommended going with the second lowest responsible bidder because she does not want a lapse in garbage pick up in the Town and there is only ten weeks for Mr. Amico to get his company up and running by January 1, 2013.

Mr. Amico stated that he would purchase three additional trucks and hire more employees. He stated that he would need the Town to award the bid to his company before he can get financing.

Supervisor Grace stated that the Town removed the performance bond and the requirement for experience from the bid specs. He noted that this was done to give a start up company a chance to bid and possibly lower the contract amount.

Councilman Murphy stated that he voted against the Residential Garbage Bid Award last year and further stated that he had contacted Mr. Amico to discuss this issue with him.

Councilman Bianco asked if changes were made to the bid specifications just for Mr. Amico's Company.

Supervisor Grace stated no.

Councilman Paganelli stated that there is a requirement in the bid that states a recycling truck must be used.

Councilman Bianco stated that no co-mingling of recyclables can be done.

Mr. Amico stated that he would abide by the contract requirements and offered to put up a six month Performance Bond in the amount of \$500,000.

Councilman Patel stated that all recyclables in the Town must go to Westchester County Recycling Center.

Councilman Bianco stated that he is not satisfied that Competition Carting is a responsible bidder. He asked Mr. Amico if he ever filed for bankruptcy.

Mr. Amico stated yes.

Supervisor Grace stated that he had no problem with the lowest bidder.

Upon recommendation of the Town Attorney, the Town Board went into Executive Session to receive advice of Town Counsel regarding lowest responsible bidder. Upon motion made by Supervisor Grace, seconded by Councilman Murphy.

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board came out of Executive Session and continued with the work session.

**AWARD BID FOR RESIDENTIAL GARBAGE PICK UP
RESOLUTION #496**

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

WHEREAS, invitations to bid on a contract to for the collection and disposal of residential refuse and recyclable materials for the Town of Yorktown was duly advertised; and

WHEREAS, the bid requested prices for once-weekly and twice-weekly collection for residential refuse, and once weekly collection of residential recyclable materials; and

WHEREAS, the Town requested alternative bid prices reflecting payment to bidders' employees of prevailing wage rates and market-rate wages; and

WHEREAS, bids were received and opened on October 1, 2012, and the following base bids were received reflecting payment of prevailing wage, for twice-weekly collection of residential refuse and once-weekly residential recyclable materials, as set forth below:

	BASE BID of Services Per Year (flat fee)
C.R.P. Sanitation, Inc.	\$ 2,986,740.00
Sanitation Disposal d/b/a Suburban Carting	\$ 4,337,895.00
Competition Carting, d/b/a of Frontline Waste Management Corp.	\$2,499,000.00
Sanitation Solutions Carting, LLC	\$3,379,194.00

and

WHEREAS, the lowest bidder, Competition Carting, the d/b/a of Frontline Waste Management Corp., at a duly noticed Town Board meeting held on October 23, 2012, offered to provide the Town with a performance bond valid for six months (January 1, 2013 through June 1, 2013) in the amount of \$500,000; now therefore, be it

RESOLVED, the Town Board has decided that in 2013 the collection for residential refuse shall be on a twice-weekly basis, and collection of residential recyclable materials shall be on a once-weekly basis; and be it further

RESOLVED, the Town Board hereby determines that the prevailing wage rates determined by the New York State Department of Labor are the rates to be used in 2013 for this contract; and be it further

RESOLVED, that upon the recommendation of Supervisor Michael Grace, the bid for the contract for Collection and Disposal of Residential Refuse and Recyclables Materials be and is hereby awarded to Frontline Waste Management Corp. d/b/a Competition Carting, with offices at 119 Upland Rd., Yorktown Heights, New York, 10598, the lowest responsible bidder, for a two-year contract for twice a week residential refuse collection and disposal and once a week residential recyclable materials collection and disposal at the bid price of \$2,499,000.00 (Two Million Four Hundred Ninety-nine Thousand Dollars and no cents), the performance of such contract commencing on January 1, 2013, and terminating on December 31, 2014, with the Town having an option to extend said contract at the same price up to three times each time for an additional one year extension (January 1, 2015 – December 31, 2015; January 1, 2016 – December 31, 2016; and January 1, 2017 – December 31, 2017).

RESOLVED, that the Town Board accepts the offer of Frontline Waste Management Corp. d/b/a Competition Carting to provide a performance bond in a form acceptable to the town attorney in the amount of \$500,000, for a 6-month period from January 1, 2013 through June 30, 2013.

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

Councilman Bianco stated that on the advice of the Town Attorney, they had no other choice but to award the bid to the lowest bidder. He hopes the new carter succeeds otherwise, the Town has a problem. He noted that he made a mistake in agreeing to remove the performance bond and experience requirement from the bid specs.

Councilman Murphy stated that this had no reflection on the current carting company it has to do with keeping taxes down.

Supervisor Grace stated that the savings this bid will achieve for taxpayers is thirty (30) percent off their garbage tax.

Councilman Bianco stated that this is about a seventy (\$70) dollar savings per year to the taxpayer.

Councilman Patel stated that he was following the advice of Town Counsel and voted for the lowest bidder.

Councilman Paganelli stated that the bid specs should have had a performance bond requirement. He also noted that Mrs. Kim Angliss Gage did a great job in vetting this contract and a working relationship must be established with the new carter and her department.

A resident asked what happens if this carter is not ready to do the job January 1, 2013.

Supervisor Grace stated that the Town may have to fall back on CRP.

A resident stated that he does a lot of work in Town that requires a performance bond will the Town be getting rid of this requirement in other bids so that he can bid on them too.

APPOINTMENT PAUL COLARUSSO – LABORER – BUILDING MAINTENANCE DEPARTMENT

The Town Board decided not to vote on this appointment at this time.

ADVERTISE BID FOR PORTABLE GENERATOR PURCHASE - #12-9 RESOLUTION #497

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, November 19, 2012, for a Portable Generator for the Water Pollution Control Plant, Bid #12-9.

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

RELEASE BOND – MCCLURE - #WP-043-12 RESOLUTION #498

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

WHEREAS, John & Karen McClure, as applicants, heretofore filed Check No. 2188 in the amount \$300.00 which was deposited into the T33 Account on July 2, 2013, to serve as the wetland bond for work performed at their Colonial 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 wetlands 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 John & Karen McClure, 2671 Colonial Street, Yorktown Heights, NY 10598.

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

RELEASE BOND – PINATELLO - #E-026=10
RESOLUTION #499

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

WHEREAS, Richard & Denise Pinatello, as applicant, heretofore posted Check No.3423 in the amount of \$300.00, which was deposited into the T33 Account on July 23, 2010, covering Excavation Permit #026-10, 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. & Mrs. Richard Pinatello, 3512 James Street, Shrub Oak, NY 10588.

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

BUDGET TRANSFER – CHEMICALS AND SLUDGE – BUDGET EQUIPMENT LINE
RESOLUTION #500

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

Be It Resolved, upon the request of Acting Town Engineer Sharon Robinson, the following 2012 budget transfer is approved:

Decrease:	YS 8130.423 Training (completed for 2012)	(\$7,300.00)
Increase:	YS 8130.456 Chemicals	+\$7,300.00

And

Decrease:	YS 8130.460.0002 Sludge removal	(\$4,700.00)
Increase:	YS 8130.456 Chemicals	+\$4,700.00

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

BUDGET TRANSFER – CORRECT RESOLUTION OF SEPTEMBER 18, 2012 – BUDGET
EQUIPMENT LINE
RESOLUTION #501

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

Whereas the budget transfer listed below that was requested on September 18, 2012 provided an incorrect code number;

Decrease:	YS 8130.418 Equipment Maintenance	(\$7,372.00)
Increase:	YS 8130.201 Equipment	+\$7,372.00

Be It Resolved, upon the request of Acting Town Engineer Sharon Robinson, the following 2012 budget transfer is approved:

Decrease:	YS 8130.459 Infiltration	(\$7,372.00)
Increase:	YS 8130.201 Equipment	+\$7,372.00

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

AWARD BID – INSPECTION/TESTING SPRINKLER SYSTEMS #12-8
RESOLUTION #502

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

Bids were received today for the for the Sprinkler 5-year Inspection & Testing, Bid #12-8, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Simplex Grinnell	\$5,051.00

In order to award this bid I am requesting the Town Board adopt the following resolution:
RESOLVED, that the bid for the Sprinkler 5-yr. Inspection & Testing, Bid #12-8 be awarded to Simplex Grinnell, the sole bidder, at a cost of \$5,051.00.

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

EAGLE BUSINESS MACHINE, COPIER MAINTENANCE CONTRACT
3 MONTH EXTENSION
RESOLUTION #503

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

RESOLVED, that the Town Board authorizes the Supervisor to sign an extension agreement for photocopier maintenance services with Eagle Business Machines, Inc. extending the contract awarded by competitive bid between the parties that expired on August 31, 2012 for 90 days, from September 1, 2012 through November 30, 2012, under the same terms and conditions.

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

ADVERTISE REQUEST FOR PROPOSALS – INDEPENDENT AUDIT SERVICES
RESOLUTION #504

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

Notice is Hereby Given, that the Town of Yorktown is seeking proposals from qualified vendors for the purpose of retaining qualified independent public accountants licensed to practice in the State of New York to submit written fixed fee proposals to conduct annual audits of the financial accounts and records of the Town of Yorktown as outlined in the Request for Proposal.

Proposals may be obtained at the Office of the Town Clerk during normal business hours.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY, no later than 5:00 pm on November 27, 2012.

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

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

ADVERTISE BID FOR WELDING AND CONSUMABLES AND PARTS
RESOLUTION #505

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on November 13th, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Welding

Consumables & Parts Bid-Highway Dept. Bid. 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: Welding Consumables & Parts Bid.”**

The Superintendent of Highways 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

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss contract negotiations for Town Prosecutor. Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board Work Session was convened.

GENERATOR UPDATE

Supervisor Grace gave a brief update to the Town Board with regards to the permanent generators for the YCCC and Town Hall.

ADJOURN

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

Diana L. Quast, Deputy Town Clerk
Town of Yorktown