

Work Session held by the Town Board, Town of Yorktown on March 12, 2013, held at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Nicholas Bianco, Councilman  
Terrence P. Murphy, Councilman  
Vishnu V. Patel, Councilman  
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk  
Jeannette Koster, Town Attorney  
John Tegder, Planning Director  
John Winter, Building Inspector

Absent:

### WORK SESSION

Supervisor Michael Grace called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to move into Executive Session to discuss a proposed settlement and conduct volunteer board interviews.

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli, the Town Board came out of Executive Session and resumed the work Session

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

### HOLLAND SPORTING CLUB

Supervisor Grace introduced Mr. George Tolli, from Ecco III Enterprises, Inc. Mr. George Tolli stated that his company has been awarded the bid from New York State to do work on the Route 202 widening project. He stated that the work will take about eighteen (18) months to finish the project. He would like to start giving the Town excess fill from the project beginning in April when they are scheduled to begin the work. They anticipate moving 50,000 yards of fill the first month. Mr. George Tolli stated that the fill is clean, appears to drain well and will be tested by his company for contaminants. He stated that there are no New York State DOT regulations to test the soil. His company does it to protect the business.

Supervisor Grace stated that the fill could be utilized in many different locations throughout the town and to expand the parking lot area in back of Town Hall.

Councilman Paganelli asked if certain measures would be needed to store that much fill. Mr. George Tolli stated that silt fencing and other erosion control measures would have to be in place and his company might be able to help with providing that and some hydro seeding.

Councilman Paganelli asked if the Town had to purchase fill what would the cost per yard be. Mr. George Tolli stated it is approximately twenty (20) dollars a yard.

Mr. George Tolli stated that his company could also do some rolling and pushing of the material delivered if it was a large enough quantity like 5,000 or 10,000 yards.

Councilman Bianco was concerned with trucks using the access road to Granite Knolls because the Town does not own the road.

Supervisor Grace stated that there will be some work done on the gas line and they will need a staging area and roadway into the property. The Town may be able to create an entrance way into the Granite Knolls property which will be on town property.

### SHRUB OAK ATHLETIC PROPERTY DONATION REQUEST

The Town Board discussed a donation request from the Shrub Oak Athletic Club.

Councilman Bianco stated that he was in favor of taking the property.

Councilman Paganelli explained that this has been a request for some time now and he was under the impression that the Shrub Oak Park District wanted the property but could not pay for the legal fees to transfer it.

Supervisor Grace stated that he would do the closing on the property if the Shrub Oak Park District wanted the property and asked the Town Clerk to contact them and see if they are still interested in the property.

#### BERNSTEIN SIGN

The Town Board discussed the referral for placement of a sign for the Bernstein House renovation being done by Franzoso Contracting.

Supervisor Grace stated that there were some objections by a resident regarding a commercial sign being close to the roadway and in a residential area.

Planning Director John Tegeder stated that the sign would have to be moved out of the Right-of-Way since this is a New York State Road, he suggested moving the sign back out of the ROW. The Town Board decided that the Building Inspector has the jurisdiction over issuing a permit for this sign.

#### FUNTIME AMUSEMENTS – FRONT STREET

Mr. Joseph Iorio requested a change to a local law passed in 2009 regarding a business he has on Front Street called Funtime/Bounce. Mr. Iorio explained that because of a stipulation in the law he cannot apply for a liquor license and asked the Town Board to consider changing this in the law.

Town Attorney Koster said this use fits the Code's definition of a banquet hall.

Mr. Ray Arnold stated that if a use is not allowed in the Town Code then it is prohibited.

Supervisor Grace stated that the current law is very ambiguous and an amendment to the local law is not needed. He does not see any reason why Mr. Iorio could not apply for a liquor license as he sees no prohibition in what Mr. Iorio wants to do.

#### PROPOSAL – RAY ARNOLD TO REVIEW TOWN CODE

Mr. Ray Arnold stated that he has given a proposal to the Town Board for him to review the Town Code and receive \$21,000 over a three (3) year period, he noted that Town staff is very busy and he has the time.

Supervisor Grace stated that the Code needs to be looked at and changes will be needed.

Mr. Ray Arnold stated that he has the time to do the work, if the Town would like him to.

Town Attorney Jeannette Koster stated that this type of review could be done in stages.

Supervisor Grace stated that he wanted to speak with Town staff regarding this issue before agreeing to a contract with Mr. Arnold. He also suggested that the Town Board members review the work done by Mr. Ray Arnold with regards to the Zoning Code before proceeding with doing the entire Town Code.

#### TRUMP BUILDING – SALES OFFICE

Residents of Trump Park Residences located on Barger Street along with John Schroeder and Aaron Bock representing the Yorktown Land Trust were present to discuss the removal of the temporary sales building which was supposed to be removed a long time ago.

Supervisor Grace stated that this building could be used by the Town and would be a great place for the Parks & Recreation Department which has been in a trailer since the old Recreation building was taken down. It could be used for meeting room space and he feels there is a need for a town facility in the northern part of town.

Residents from Trump Park stated that they are against this building being left up and the original agreement was to remove it to create a track and place a gazebo is what they were promised and why they purchased there. The property is owned by the condo owners and 100 percent would have to agree to keep the building there. They feel if this is not done soon, the company may go out of business and this could create a problem with the condo owners and the town.

John Schroeder stated that the Yorktown Land Trust holds a Conservation Easement for the Barger Street property and they would like the terms of the agreement to be upheld by the Town Board.

Building Inspector John Winter stated that it would be difficult to move the building but it could be done.

Planning Director John Tegder stated that even if it was feasible to move the building other costs would be associated with moving the building like renovations that would be needed inside, the cost of moving, building a slab to put it on, etc.

Councilman Bianco stated that he was opposed to keeping the building and the town should keep to the original agreement.

Councilman Paganelli stated that the town should keep its promise to remove the building but if it can be moved we should look into that.

Supervisor Grace asked the resident's if they would mind if he came up and spoke to the condo owners and see if an agreeable plan could be made about the building.

#### TOW BID

The Board agreed to place the advertisement for the tow bid on the next Town Board agenda for March 19, 2013. Councilman Paganelli stated that the tow rate schedule has not been updated in many years and the bid specifications will require indoor space for five trucks.

#### YORKTOWN HEATING OIL PLAN

Supervisor Grace stated that the Heating Oil Plan that the Town has sponsored for a few years is not effective and he would like to eliminate the five (5) dollar registration fee. He would like to just place the heating oil prices on the Town's website. Individuals can view the information on the website and pick whomever they want to use for heating oil.

#### YCCC/TOWN HALL – TRANSFER SWITCH AND GENERATOR

Supervisor Grace stated that he would like to proceed with creating the bid specifications for the generators needed for the YCCC, Town Hall and the Water Department. He asked Dan Ciarcia, engineer to work with Electrician Mike Dubovsky to come up with a plan for the placement of the generators together. Supervisor Grace stated that sometimes a better price can be obtained when you go out to bid then buying off the State contract.

Highway Superintendent Eric DiBartolo stated that Con Ed will extend the natural gas line up to the Town Hall if the Town agrees to switch its heating system to natural gas. He also stated that the Highway Department can help with the trench work and concrete slab that will be needed to place the generator on.

#### FLAT SCREEN TV FOR TOWN BOARD ROOM

The Town Board would like to put a Flat Screen Monitor in the Board Room for presentations. Councilman Paganelli stated that he would look into this.

#### REQUEST TO EXTEND BID FOR TRAFFIC SIGNS – HIGHWAY DEPARTMENT RESOLUTION #119

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

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

Whereas, said bids were received and opened on August 5, 2011, and

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent Eric DiBartolo, the bid for Traffic Signs for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Glenco Supply, Inc. P.O. Box 638, Oakhurst, NJ 07755, and

Be It Further Resolved, the dates of the extension will be August 1, 2013 to July 31, 2014.

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

REQUEST TO EXTEND BID FOR PAVEMENT MARKINGS – HIGHWAY DEPARTMENT  
RESOLUTION #120

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

Whereas, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

Whereas, said bids were received and opened on July 16, 2010, and

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent Eric DiBartolo, the bid for Pavement Markings for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Safety Markings, Inc. 460 Bostwick Avenue, Bridgeport, CT 06605, and

Be It Further Resolved, the dates of the extension will be August 1, 2013 to July 31, 2014.

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

REQUEST TO EXTEND BID FOR JOHN DEERE CONSTRUCTION EQUIPMENT OEM  
PARTS – HIGHWAY DEPARTMENT  
RESOLUTION #121

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

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

Whereas, said bids were received and opened on May 14, 2012, and

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent Eric DiBartolo, the bid for John Deere Construction Equipment OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080, and

Be It Further Resolved, the dates of the extension will be May 15, 2013 to May 14, 2014.

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

REQUEST TO EXTEND BID FOR CUMMINS ENGINE OEM PARTS – HIGHWAY  
DEPARTMENT  
RESOLUTION #122

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

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

Whereas, said bids were received and opened on May 14, 2012, and

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent Eric DiBartolo, the bid for Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Cummins Power Systems, LLC., 41-85 Doremos Avenue, Newark, NJ 07105, and

Be It Further Resolved, the dates of the extension will be May 15, 2013 to May 14, 2014.

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

REQUEST TO EXTEND BID FOR ASPHALTIC CONCRETE LAID-IN-PLACE –  
HIGHWAY DEPARTMENT  
RESOLUTION #123

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

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, and

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent Eric DiBartolo, the bid for Asphaltic Concrete Laid-in-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid, to Bilotta Construction Corp., 296 Purchase Avenue, Rye, NY 10580, and

Be It Further Resolved, the dates of the extension will be August 1, 2013 to July 31, 2014.

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

TOWN BOARD AGENDA  
MARCH 19, 2013

The Town Board discussed the March 19, 2013 Town Board meeting agenda which will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 7:30 P.M.

Councilman Bianco discussed putting the second Courtesy of the Floor back on the Town Board Agendas. Supervisor Grace stated it was never disbanded, it can be put back on but it will be at the discretion of the Town Board whether the second courtesy of the Floor will be done based on how long the meeting is running, etc.

ADJOURN

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

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown