

Regular meeting held by the Town Board,  
Town of Yorktown on September 21, 2010 held at  
Yorktown Town Hall, Yorktown Heights, NY.

Present: Susan Siegel, Supervisor  
Terrence Murphy, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Town Clerk

Absent: Nicholas Bianco, Councilman  
James Martorano, Councilman

#### TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster, was also present.

#### PLEDGE OF ALLEGIANCE

Supervisor Siegel 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.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel spoke about the last Town Board meeting where we had a lengthy public hearing regarding our proposed Tree Legislation. All of the remarks to the proposed local law will be discussed at next week's work session. If the Town Board agrees to incorporate all of the comments that we have received, a revised version of the law will be posted on the town's website and the public hearing will resume on October 5<sup>th</sup>. The Town Board is moving forward with its decision to purchase Granite Knolls. The Town is also moving forward with its Senior Citizen Computer Instruction Center at the Yorktown Community and Cultural Center. The Town will be holding an auction on September 29<sup>th</sup> at the Town Hall. We will be selling eleven properties currently owned by the Town of Yorktown. Two of these parcels have homes on them, two are possible building lots. The auctioneer will hold a seminar for bidders on September 27<sup>th</sup> in Town Hall. The Town has added two new companies to its Adopt-a-road Program. Primavera Homes adopted a portion of Gomer Street. STADS adopted a portion of East Main Street in Shrub Oak. The Town Hall will host a doctor who will provide flu shots to the community on October 7<sup>th</sup> from 9:00-11:00AM and then from 4:00PM to 6:00PM. The cost of the shot is \$30.00. October 6, 2010, Teatown Lake Reservation will be opening a new trail that runs from Kitchawan Park to Teatown Lake Reservation. Supervisor Siegel also spoke about damage done to the Patriot Skate Park over the weekend. She provided pictures of the damage to the members of the Town Board. Supervisor Siegel stated that she hopes to get together with the parents of some of the children who use the park. The Town Board will be discussing new skateboard legislation at its work session next week.

DURING THE TOWN COUNCIL'S REPORT TO THE TOWN, Councilman Patel stated that more than 20,000 people attended this year's Grange Fair. He attended a ceremony sponsored by the Knights of Columbus. Joseph Visconti, the President of the New Yorktown Chamber of Commerce and Supervisor Siegel were the honorees. The Field Home will celebrate their 130<sup>th</sup> anniversary this weekend with a Fall Festival on Saturday.

Councilman Murphy spoke about the Chamber of Commerce's Harvest Festival on October 9<sup>th</sup>.

Supervisor Siegel is investigating on-line tax payments. The Finance Department has been in touch with several companies.

## PRESENTATION

Yorktown Fire Inspector Edward Kolisz stated that he is a resident of the Town of Yorktown. He and his wife are the parents of two children. He has worked as a Fire Inspector for 11 years. The Town of Yorktown has more than one thousand commercial properties that need to be inspected. Every property is required to be inspected at least once every three years; others are required to be inspected annually. Mr. Kolisz stated that his goal is to get compliance through education, not the courts.

## COURTESY OF THE FLOOR

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

Carl Anderson, a member of the Yorktown Lions announced that the Lions Clubs around the world are conducting a Poster Contest. This is a contest open to youngsters in Middle School. The theme this year is "Voice of Peace". The winning entry will go on display at Town Hall. The winner will also receive a savings bond for \$100. The poster will then go on to be judged at the regional, state and international levels. Last year's winner was from Taiwan.

Mr. Mark Lieberman, the owner of Bark Busters spoke on behalf of the Yorktown Dog Park. He stated that a recent study shows that 76% of households own at least one dog. Mr. Lieberman further stated that everyone from skateboarders to softball players have a park. Why not dogs? They are safe settings for dogs. There are dog parks in the Town of Cortlandt, Putnam Valley, the Town of Rye and the Village of Sleepy Hollow.

Mrs. MaryAnn Baldwin also spoke on behalf of the Yorktown Dog Park Association. She wanted to know if anyone has followed up with the Fire Chief to see whether he has sent details of the controlled burn to New York State?

A member of Temple Beth Am spoke about their planned Vigil at Town Hall on October 4<sup>th</sup> to increase awareness of domestic violence which affects 75% of people in the United States. This vigil gives hope to survivors.

Mrs. Tricey Kushner, a member of the Board of Directors of the Alliance for Safe Kids spoke about some of her organization's upcoming events including the Iron Chef Barbe-cue on October 2<sup>nd</sup> at the Grange Fair and Teen Dance Night on Friday October 22<sup>nd</sup>. ASK has also partnered with the Yorktown Police Department. We have an anonymous hotline where teens can call if they hear or know of any dangerous or illegal activity. Westchester County has designated Monday, October 27<sup>th</sup>, as Family Night where we hope families will sit down and eat dinner together and re-connect.

## COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the comments by stating:

Regarding the questions about the dog park, the Supervisor stated that she did speak to someone in New York State at the end of August. She was told that the Town needed to get more information about this controlled burn. The Yorktown Fire Chief has sent us the information that we needed. Jennifer Fava, the Yorktown Parks and Recreation Superintendent will be sending that information up to New York State as soon as she completes her budget.

## PUBLIC HEARING

PROPOSED LOCAL LAW REPEALING CHAPTER 168 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "FEES", AMENDING VARIOUS OTHER SECTIONS OF THE CODE RELATING TO LAND DEVELOPMENT APPLICATION FEES AND PERMIT FEES AND RE-ENACTING A CHAPTER 168, ENTITLED MASTER FEE LAW

Supervisor Siegel reconvened the public hearing to consider repealing Chapter 168 of the Code of the Town of Yorktown entitled "FEES", amending various other Sections of the Code of the Town of Yorktown relating to Land Development application fees and permit

fees and re-enacting a Chapter 168 entitled “Master Fee Law.” Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel explained that the law had two purposes; to consolidate all of the fees regarding land development into one section of the code and to save the taxpayers money.

Supervisor Siegel explained that the former Town Board decided to use one full time in-house Town Attorney and to use an outside legal firm to provide legal assistance to the Planning and Zoning Boards. The Supervisor explained that there are times when these attorneys are asked to do more. We do not have legislation that would enable us to charge the extra work to the applicant. Right now, the applicants owe the taxpayers \$115,132 for extra legal services associated with the planning process.

There are two schools of thought on this issue; some feel the tax payer should not be burdened with this cost. Others are concerned that this could become an open ended process. There are mechanisms within the proposed law that would require the attorney to go back to the approval authority for authorization if they feel additional work is needed.

As an example, the Supervisor stated that a site plan for a subdivision would start out with a \$500 escrow account. As the applicant moved through the process, the account would be drawn down. If there was money in the account at the end of the process, it would be refunded to the applicant.

Supervisor Siegel noted that a \$15.00 Administrative Fee for Tree Removals is on the list of fees. This will go or stay depending upon what the Town Board does with the proposed law on trees.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion made by Councilman Murphy, seconded by Councilman Patel, the hearing was adjourned.

ADVERTISE PUBLIC HEARING ALGONQUIN GAS TRANSMISSION, LLC  
REQUEST FOR A WETLANDS AND EXCAVATION PERMIT  
INSTALLATION OF A CATHODIC PROTECTION GROUND BED SYSTEM –  
STONEY STREET TO TACONIC STATE PARKWAY  
RESOLUTION # 409

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 5<sup>th</sup> day of October, 2010 at 7:30 o'clock PM to consider the application of Algonquin Gas transmission, LLC for a Wetlands and Excavation Permit for the installation of approximately 5,300 linear foot cathodic protection system for its existing underground natural gas pipelines located in the vicinity of Stoney Street and the Taconic State Parkway, in Yorktown, New York.

A copy of said proposal is on file in the office of the Town Clerk, at the said Town Hall, 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.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE RECONVENE PUBLIC HEARING  
PROPOSED LOCAL LAW REPEALING AND REENACTING CHAPTER 270  
ENTITLED “TREES” AND VARIOUS SECTIONS OF THE CODE OF THE TOWN OF  
YORKTOWN INCLUDING CHAPTERS 10, 165, 178, 195

RESOLUTION # 410

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

NOTICE IS HEREBY GIVEN, that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 5<sup>th</sup> day of October, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to repeal and reenact Chapter 270 of the Code of the Town of Yorktown entitled "TREES" and various sections of the Code of the Town of Yorktown including Chapter 10, Chapter 165, Chapter 178 and Chapter 195.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website @ [yorktownny.org](http://yorktownny.org)

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

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE RECONVENE PUBLIC HEARING  
PROPOSED LOCAL LAW REPEALING AND REENACTING CHAPTER 248  
ENTITLED STORMWATER MANAGEMENT AND CHAPTER 165 EROSION AND  
SEDIMENT CONTROL  
RESOLUTION # 411

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

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 5<sup>th</sup> day of October, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 248 entitled "Stormwater Management" and Chapter 165 of the Code of the Town of Yorktown entitled "Erosion and Sediment Control", and re-enacting a new Chapter 165 entitled "Stormwater Management and Erosion and Sediment Control."

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website @ [www.yorktownny.org](http://www.yorktownny.org)

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

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE RECONVENE PUBLIC HEARING  
PROPOSED LOCAL LAW CREATING A NEW CHAPTER OF THE CODE OF THE  
TOWN OF YORKTOWN ENTITLED ILLICIT DISCHARGE, CONNECTIONS AND  
ACTIVITIES  
RESOLUTION # 412

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

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 5<sup>th</sup> day of October, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to consider creating a new Chapter of the Code of

the Town of Yorktown entitled “Illicit Discharge, Connections and Activities.”

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

The Proposed Local Law may also be viewed on the Town Website @ [www.yorktownny.org](http://www.yorktownny.org)

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

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE PUBLIC HEARING  
SALE OF URBAN RENEWAL PROPERTY  
RESOLUTION # 413

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

Resolved, that the Town Board of the Town of Yorktown hereby agrees to advertise the sale of Urban Renewal Property.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE BID  
VARIOUS CHEMICALS – YORKTOWN HEIGHTS SEWER PLANT BID #10-03  
ENGINEERING DEPARTMENT  
RESOLUTION # 414

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

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 Thursday, October 14, 2010, for Various Chemicals for the Yorktown Heights Sewage Treatment Plant, Bid #10-03.**

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.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE BID  
SLUDGE AND GREASE REMOVAL – YORKTOWN HEIGHTS SEWER PLANT BID  
#10-04 - ENGINEERING DEPARTMENT  
RESOLUTION # 415

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

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 Thursday, October 14, for Sludge & Grease Removal at the Yorktown Heights Sewage Treatment Plant, Bid #10-04.**

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.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE ATTENDANCE  
TOWN ASSESSOR HAROLD GIRDLESTONE – ASSESSOR CONTINUING  
EDUCATION CLASS ON TOWN TIME  
RESOLUTION # 416

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

RESOLVED, that Harold Girdlestone, the Town of Yorktown Assessor, be granted approval to attend the New York State Assessors Annual Conference in Lake Placid, September 26 thru 29, on town time and no cost to the Town, to satisfy annually required continuing education credits.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ACCEPT EROSION CONTROL BOND  
#E-002-10 – AMENDED PERMIT MARRICCO SUBDIVISION  
RESOLUTION # 417

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

WHEREAS, David & Mark Marricco, as applicants, provided the Town with Check No. 1031 in the amount of \$5,000. to serve as an additional Erosion Control Bond for amended Excavation Permit # E-002-10 for septic work being done at his site located on Indian Hill Road; NOW, THEREFORE BE IT,

RESOLVED, that the above referenced check is hereby accepted to serve as the bond for the Marricco Minor Subdivision.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

ACCEPT EROSION CONTROL BOND  
KIRSCHENBAUM SUBDIVISION – WHITE HILL ROAD – PERFORMANCE,  
EROSION CONTROL AND INSPECTION  
RESOLUTION # 418

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

WHEREAS, Ariel Weinberger, as applicant, provided the Town with Western Surety Company Performance Bond No. 70978493, in the amount of \$61,620.00, to serve as the Performance Bond for the Kirschenbaum Subdivision located on White Hill Road; and

WHEREAS, Ariel Weinberger, as applicant, provided the Town with Check No. 614, in the amount of \$5,729.00, to serve as the Inspection Fees for the Kirschenbaum Subdivision; NOW, THEREFORE BE IT

RESOLVED, that the above referenced Monies are hereby accepted to serve as the required bond and fee for the Kirschenbaum Subdivision.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND

#WP-005-09 -

RESOLUTION # 419

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

WHEREAS, Christine Corbino, as applicant, posted Check No. 583 in the amount of \$350.00, which was deposited into the T33 account on May 8, 2009, to serve as the Wetland Bond for Wetland Permit # WP-005-09, for work performed at her Christine 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 \$350.00 for wetlands may be released; NOW, THEREFORE BE IT

RESOLVE, that the above-referenced Wetland Bond in the amount of \$350.00 be and is hereby released to Ms. Christine Corbino, 1442 Christine Road, Mohegan Lake, NY 10547.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND

#WP-023-10 -

RESOLUTION # 420

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

WHEREAS, Michael Martucci, as applicant, posted Check No. 1756 in the amount of \$300.00, which was deposited into the T33 account on July 16, 2010, to serve as the Wetland Bond for Wetland Permit #WP-023-10, for work performed at his Crompond 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 wetlands may be released; NOW, THEREFORE BE IT

RESOLVED, that the above-referenced Wetland Bond in the amount of \$300.00 be and is hereby released to Mr. Michael Martucci, 2710 Crompond Road, Yorktown Heights, NY 10598.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND

#WP-011-09 -

RESOLUTION # 421

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

WHEREAS, William & Dawn Giordano, as applicant, posted Check No. 1131 in the amount of \$350.00, which was deposited into the T33 account on May 15, 2009, to serve as the Wetland Bond for Wetland Permit # WP-011-09, for work performed at their Bound Brook Lane residence; and

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

RESOLVED, that the above-referenced Wetland Bond in the amount of \$350.00 be and is hereby released to Mr. & Mrs. William Giordano, 2479 Bound Brook Lane, Yorktown Heights, NY 10598.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND

#WP-030-09 -

RESOLUTION # 422

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

WHEREAS, Fran Pisani, as applicant for Jeff Garretto, posted Check No. 2273 in the amount of \$300.00, which was deposited into the T33 account on September 18, 2009, to serve as the Wetland Bond for Wetland Permit #WP-030-09, for work performed at their Poplar 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 may be released; NOW, THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Ms. Fran Pisani, 49 Avondale Road, Harrison, NY 10528.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND

#WP-080-06 -

RESOLUTION # 423

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

WHEREAS, Envirogreen Associates / Rick Cipriani, as applicant, heretofore filed a Wetland Bond in the amount of \$300.00, which was deposited into the T33 Account on July 25, 2008, covering Wetland Permit # 080-06, for work performed at his Route 6 business; 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 Envirogreen Associates, 11 Hageman Court, Katonah, NY 10536, Attn: Mr. Rick Cipriani.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.



AUTHORIZE SUPERVISOR TO SIGN  
AGREEMENT WITH WSP SELLS, INC. FOR DESIGN WORK ON THE GREENWOOD  
STREET & HILL BOULAVARD BRIDGES – BOTH YELLOW FLAGGED BY NYS  
DOT

RESOLUTION # 424

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

WHEREAS, the Greenwood Street over Hallock's Mill Brook and the Hill Boulevard over Barger Brook Tributary have been inspected by the New York State Department of Transportation (NYSDOT) as part of their biennial inspection program; and

WHEREAS, the NYSDOT notified the Highway Department that both bridges/culverts have received a Yellow Safety Flag requiring remediation; and

WHEREAS, the total construction cost estimate for the corrective work is approximately \$104,000 in addition to the design fees; NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with WSP Sells for survey and structural engineering services for the Greenwood Street Bridge and Hill Boulevard in the amount of \$49,500.00.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

Supervisor Siegel explained that these bridges were cited by the New York State Department of Transportation as needing work.

The estimate we received was if we did it in-house the cost would be \$42,000. The cost for an outside vendor would be \$104,000. That represents a \$62,000 savings. The Town Board will have to sit with the Highway Superintendent for a discussion on this issue. Depending upon what we decide, that will affect the design work.

Supervisor Siegel explained that auditors from the New York State Comptroller's Office has stated that our purchasing policy does not meet state guidelines. This proposed new policy will clear up our deficiencies.

APPROVE NEW PROCUREMENT POLICY

RESOLUTION # 425

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

RESOLVED, that the Town Board hereby adopts the following Procurement Policy:

The following policy establishing internal procedures for the procurement of all goods and services by the Town of Yorktown is intended to implement the provisions of Sections 103 and 104-b of General Municipal Law, assure the prudent and economical use of public moneys in the best interests of the taxpayers, facilitate the acquisition of goods of services of maximum quality at the lowest possible cost, and guard against favoritism, extravagance, fraud and corruption.

**I. Requisitions/Purchase Orders**

All purchases are to be made using the Town of Yorktown's Requisition/Purchase Order system that encumbers the funds from budget appropriations prior to the actual purchase of the goods or services.

Requisitions are to be prepared by each department on the Town of Yorktown Requisition Form (**Attachment #1**) and submitted to the Comptroller's Office. The Comptroller's Office will create the purchase order and return it to the department as authorization to place the order.

Requisitions to an expense code line that is over budget, or which will cause the expense line to go over budget, will not be processed unless and until an appropriate budget transfer has been approved, either by the Supervisor for transfer requests up to \$10,000 or by the Town Board for transfer requests exceeding \$10,000.

Any requisitions received by the Comptroller’s Office that do not have the appropriate backup documentation as required by this policy will be returned to the department for compliance, and no purchase order will be created until required backup documentation has been submitted.

Invoices will not be processed if they predate the purchase order. Orders placed prior to the approval process as set forth above may result in the purchase not being paid by the Town.

Requests to pay invoices must be accompanied by the original purchase order, an original invoice and, where applicable, a packing slip signed and dated by the employee responsible for physically receiving the materials, supplies, equipment or overseeing the service and/or repair.

The competitive bidding/pricing guidelines set forth below refer to annual cumulative purchases for each type of product. All purchases should be evaluated to determine whether, over the course of the fiscal year, the Town as a whole will spend in excess of the competitive bidding thresholds for the same or similar items or services. Split purchases to avoid compliance with the purchasing policy are expressly prohibited and may not be processed. Prior years’ budgetary appropriations should be referred to for this information and compared with current projections. If two departments are bidding for the same goods or service, they should do so collectively whenever possible.

Vouchers are to be used only for emergency purchases of goods or services for which the department has secured emergency authorization.

**II. Purchases subject to competitive bidding and/or competitive pricing**

<u>Type of Purchase</u>	<u>Cost Ranges</u>	<u>Requirements</u>
Goods and/or services	\$10,000 and more	Formal Bid
	\$1,000 - \$10,000	RFP (services) with 3 Written Quotes
	\$ Under \$1,000	Department Head’s Discretion
Public Works *	\$20,000 and more	Formal Bid
	\$5,000 - \$20,000	RFP with 3 Written Quotes
	Under \$5,000	Department Head’s Discretion

\* A public works purchase is defined as an improvement to a public facility that includes a charge for labor. Any public work project requires NYS prevailing wage certifications and compliance with all NYS Department of Labor regulations.

**III. Additional required documentation**

The following documentation must accompany all requisition forms:

- For a service, materials or supplies that are awarded by the Town Board as a result of a formal bid or RFP: a stamped copy of the Town Board Resolution awarding the contract and a copy of the signed contract
- For an item purchased off a State/County Contract: a copy of the Contract or Contract pages referencing the pricing
- For requisitions that require written price quotes: copies of the price quotes secured.

If the purchase of goods or services is awarded to other than the lowest responsible vendor or contractor submitting a complying bid or quote, the reasons why such award is being made and why it is in the best interest of the Town of Yorktown shall be included with the purchase records.

#### **IV. Professional Services**

Only the Town Board can contract for professional services. For the purpose of this policy, professional services shall be considered those services involving a specialized skill, training, expertise, knowledge, use of professional judgment or discretion and/or a high degree of creativity. Among the services covered under this exception are auditors, architects, attorneys, engineers, land surveyors, environmental consultants and insurance brokers.

The determination of whether a purchase falls under the professional services procurement guidelines shall be made by the Town Board on a case-by-case basis after examining the particular service to be acquired.

The purchase of professional services shall be subject to the following comparative pricing procedures in order to ensure that the Town is receiving the best possible price and also to avoid any appearance of favoritism toward a particular individual or firm.

Under \$3,000	Written quotes from two vendors
Over \$3,000	Written quotes from three vendors or RFP

In selecting the most appropriate individual or firm for a specific service, the Town Board will be guided by a combination of price, and the experience, knowledge, expertise and skills of the vendors.

If a department head recommends to the Town Board that a vendor be selected without adhering to the above comparative pricing requirements, the department head must submit a memo to the Town Board explaining why the selected provider should be awarded the contract in the absence of competition from similar firms. Reasons for not adhering to the comparative pricing requirement may include a vendor's existing familiarity with the Town, past history working for the Town, or possession of a particular skill or expertise that is related to the service that is being requested.

#### **V. Items exempted from competitive bidding/pricing guidelines**

##### **A. Emergency purchases or services**

For the purpose of this section, an emergency arises out of an accident or unforeseen condition or occurrence that threatens curtailment or terminates an essential service to the public, or a dangerous condition develops, affecting the life, health, safety or property of the Town or its inhabitants. The situation must require immediate attention, which cannot await competitive bidding.

Only the Supervisor, or in the absence of the Supervisor, the Deputy Supervisor, or in the absence of both, the Comptroller, can declare an emergency for the purposes of this policy.

Once an emergency has been declared, the appropriate department head is authorized to purchase directly the necessary supplies or services needed to remedy the situation. A written record of the circumstances surrounding the emergency shall be prepared and submitted to the Comptroller's office within 48 hours after the satisfactory resolution of the emergency. While mitigating the emergency situation, and to the extent possible and practical, the department head shall endeavor to abide as closely as possible to the procurement guidelines set forth in this policy.

##### **B. Sole Source Purchases**

This exemption applies to the procurement of goods or services where only one vendor can supply the commodity, technology and/or perform the services required and where there is no substantial equivalent. Procurement under this sole source exemption must be documented with the following explanations:

1. the unique nature of the requirement

2. the basis upon which it was determined that there is only one known vendor able to meet the need (i.e., the steps taken to identify potential competitors)
3. the basis upon which the cost was determined to be reasonable (i.e., a fair market price was inferred based upon the sole source provider's product catalogs, published price lists and the like.)

C. Goods purchased from agencies for the blind or severely handicapped, with appropriate documentation.

D. Goods purchased from correctional facilities, with appropriate documentation.

E. Goods purchased from, or through, another governmental agency, such as NYS or Westchester County Contracts, with appropriate documentation.

F. Goods purchased at auction, with appropriate documentation.

## **VI. Annual Review**

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

### APPROVE SEQRA DETERMINATION ACQUISITION – GRANITE KNOLLS PARCELS RESOLUTION # 426

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

WHEREAS the Town Board of the Town of Yorktown wishes to purchase two parcels of property on Stoney Street (a/k/a Stony Street), Yorktown, having tax map designations of Tax Map ID # 26.09-1-22 (approx. 72.76 acres) and 26.06-1-1 (125.4 acres), respectively, for the total price of \$2,700,000, from Alan H. Rothschild, as executor of the Estate of Hubert Bartzick, and Alan H. Rothschild as Successor Trustee of the Revocable Trust Indenture, dated the 8<sup>th</sup> Day of August, 1989 Made by and between Hurbert Bartzick (Settlor and Trustee), Alan H. Rothschild (First Alternate Trustee) and Norman Himmelfarb (Second Alternate Trustee), to be funded from the Open Space Fund; and

WHEREAS an acquisition of real property of more than 100 acres is a Type I action under SEQR; and

WHEREAS, the Town Board, being the sole approval authority, is lead agency by operation of law; and

WHEREAS, a full Environmental Assessment Form (EAF) has been prepared by the Town Planning Department and has been reviewed and fully considered by the Town Board; and

WHEREAS, the Town Board finds that the acquisition of the two parcels contemplated herein will have no significant adverse impacts upon the environment;

NOW THEREFORE, BE IT RESOLVED, the Town Board adopts a Negative Declaration based on the full EAF; and

BE IT FURTHER RESOLVED, that the proposed acquisition of said two parcels is hereby authorized by the Town Board, and

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to enter into a contract for the purchase of said two parcels under the terms set forth in the resolutions dated April 20, 2010 as amended April, 27, 2010, and to enter into a contract for the purchase of title insurance from Benchmark Title Agency, LLC; and

Be it FURTHER RESOLVED, that the Town Board intends to designate this site as parkland.

Siegel, Murphy, Patel Voting Aye  
Resolution adopted.

RETIREMENT

KARAN MOSEMAN – YORKTOWN JUSTICE COURT

The Town Board accepts with regret the retirement of Karan Moseman from the Yorktown Justice Court.

COURTESY OF THE FLOOR

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

Highway Superintendent Eric DiBartolo stated that he had a problem with the bridge issue raised by the Supervisor earlier this evening. Mr. DiBartolo wanted to know why his department was not contacted first. He also stated that earlier this year he lost an employee. This has had an effect on his department's ability to complete their assignments. He further stated that he knows that there have been quite a few meetings where the bridge issue came up, but again, his office was never contacted.

Mr. Howard Frank asked if Algonquin Gas Company has been in contact with Con Edison who has a tap on their line concerning their proposed project?

Mr. Paul Moskowitz thanked the Town Board for completing the process of purchasing Granite Knolls for open space. He also stated that the Town Board has gone many months without having one public hearing; why schedule five for the next meeting?

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the comments by stating:

Supervisor Siegel told Mr. DiBartolo that the Town Engineer told the Town Board that you told her that your department would not be able to do this work. She wasn't sure whether your department did not have the time or expertise. Supervisor Siegel stated that she was hoping to discuss this with him at the last staff meeting but he did not attend the meeting.

Mr. Frank we will ask that question of Algonquin Gas Company.

Mr. Moskowitz, the Town Board took several weeks off during the summer. She was asked to delay the continuance of the public hearing on Trees because of the absence of two board members. We have been working on the Stormwater and Illicit Discharge laws for several months. It just happened to work out this way.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown