

Regular meeting held by the Town Board,
Town of Yorktown on August 2, 2011 held at Shrub Oak Memorial Park, 3800 Sunnyside
Street, Yorktown Heights, NY 10598

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

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Executive Session to discuss a legal settlement. Upon motion made by Councilman Martorano, seconded by Councilman Bianco the Town Board moved into the work session.

TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster and Special Counsel Dan Pozin were also present at the meeting.

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 made a number of announcements including:

The Town of Yorktown received a \$1,000 grant from the New York State Department of Environmental Conservation. The money will go towards the 2012 Arbor Day Celebration.

The New York State Department of Transportation has started to on a by-pass to be used when the south-bound bridge on the Taconic State Parkway just after the Route 134 Exit is shut down for repairs next year.

The Town Board hired a police officer during last week's work session.

Next week's work session will be the last meeting of the Town Board until Tuesday, September 6, 2011.

The Westchester County Board of Legislators will hold a Public Hearing on August 8, 2011 to consider a number of applications to include additional parcels of land within Westchester County Agriculture District 1. One of the parcels is in the Town of Yorktown.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that two problems that were discussed at the last Town Board Meeting either have been resolved, or in the process of being resolved. The drainage work on Heritage Court has been completed. The work on Waverly Road will begin later this week. Councilman Bianco also stated that the Town of Yorktown received a check for more than \$120,000 in back taxes from the former owner of the Old Windmill Restaurant. With the help of New York State Senator Greg Ball, Councilman Bianco was able to connect the owner of the restaurant, who wanted to sell his business with a buyer.

Councilman Martorano spoke about the ambience of Shrub Oak Memorial Park. He stated that due to the foresight of former Supervisor Linda Cooper and a former Town Board, residents now enjoy this park complex which includes a hockey rink, softball fields and the Brian J. Slavin Aquatic Facility.

Councilman Patel spoke about a senior member of the community who recently turned 100 years old.

Supervisor Siegel read the following Proclamation:

PROCLAMATION – YOUTH SOCCER TOURNAMENT

Whereas the 31st Annual Yorktown Youth Soccer Invitational Tournament is being held in Yorktown during the Labor Day weekend of September 4th and 5th; and

Whereas this exciting event is made possible through the sponsorship and support of many fine Yorktown area businesses who have donated products and services, and purchased advertisements in the journal, as well as the parents of the Yorktown Youth Soccer Club who volunteer; and

Whereas participating clubs in the tournament number in excess of 125 teams and 1500 youths from Westchester, upstate New York, Long Island, Connecticut and New Jersey; and

Whereas the Town of Yorktown is pleased and privileged to fulfill the role of host town for this notable event, one of the largest of its kind on the East Coast, and the community is proud to greet and welcome all the people associated with the tournament plus many enthusiastic spectators from throughout the area;

Now, Therefore, I, Susan Siegel, Supervisor of the Town of Yorktown, along with the Town Board, proclaim the Labor Day weekend of September 4th and 5th, 2011 as:

“FINNEGAN’S OF YORKTOWN LABOR DAY TOURNAMENT WEEKEND”

in the Town of Yorktown, to be observed, celebrated and enjoyed by the teams, staff and spectators, as Yorktown extends its warmest hospitality to all those attending the tournament, and in appreciation to all the many Yorktown area supporting businesses for their sponsorship, and to the Yorktown Youth Soccer Club, the Yorktown Central School District, the Yorktown Highway Dept., and the Yorktown Parks and Recreation Dept. for their cooperation and support.

COURTESY OF THE FLOOR

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

Mr. Howard Frank spoke about the massive sewage spill in the Hudson River that was caused by a fire in the engine room of the North River Waste Water Treatment Plant in New York City. Over the years, Mr. Frank says the NYC Department of Environmental Protection levied fines against the Town of Yorktown because of leaks from the Hallocks Mill Sewer Plant. Mr. Frank suggested that the Town of Yorktown inventory its sewer system making sure that it is equipped with fire suppression equipment and not subject to flooding.

Mrs. Marie Scalfani, a resident of Waverly Road stated that she came before the Town Board at its June 7th meeting with a problem and has not heard from anyone.

Mr. Anthony Grasso stated that as an interested party who attends meetings of the Senior Advisory Committee, he wanted the Town Board to explain what additional work was done on the bid for the Partial Renovation at the Basement of the YCCC.

Mr. James Galbraith, a resident of Jefferson Valley spoke about a sight distance problem on East Main Street which he says is caused by high growing grass. Several years ago, he was told to work with Mr. Tegeder who was in charge of the Jefferson Valley Streetscape project. Mr. Galbraith stated that he was led to believe that the addition of a stone wall near the Taconic Parkway might help the problem. Unfortunately, it didn't. The Highway Department has come out and mowed, but the grass grows back. Mr. Galbraith further stated that he was told that the Town would replace the grass with low growing shrubs; that still has not happened.

Mr. John Settembrino asked that the Town Board to consider striping or paving the commuter parking lot that is adjacent to Town Hall.

Mr. Jack Moto stated that when he moved to Quinlan Street, the road had speed bumps. Several years ago these speed bumps were taken out. He says unless something is done on that street where people regularly speed, he will be forced to leave the Town.

Highway Superintendent Eric DiBartolo responded to Mr. Settembrino's request by stating that several years ago, the Town received funding to upgrade the commuter parking lot. Some of the money was spent to upgrade lighting in the parking lot. He is unaware what happened to the remaining money. Mr. DiBartolo addressed Mr. Galbraith's problem by stating that he has been out to the area with John Tegeder and Larry Eidelman, Yorktown's Traffic Safety Officer. A report will be sent to the Town Board by Mr. Eidelman stating that there is no sight distance problem in the area. Mr. DiBartolo further stated that he would like to continue to mow the grass in this area, but, he only has one mower and limited staff.

Mr. Tony Page, a resident of Shrub Oak since 1994 signed an agreement with a contractor to renovate his home and paid him \$225,000. The contractor failed to live up to the agreement. Consumer Protection in White Plains is not able to help him. He asked if the Town could do anything to help residents make better choices.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel introduced Acting Town Engineer Sharon Robinson who stated that the Hallocks Mill Plant has been upgraded and is a state-of-the-art plant. All of our plants have fire suppression equipment and the plants' equipment is above flooding levels. Mrs. Robinson stated that the Town was also in the process of conducting an inventory of our entire sewer system.

Supervisor Siegel apologized to Mrs. Scalfani for not getting back to her. But, someone did visit your house. Councilman Bianco will respond to you later.

Supervisor Siegel told Mr. Grasso that the architect had provided additional services to the Town. The services were above what was called for in the basic contract.

Supervisor Siegel asked Mr. Tegeder to address Mr. Galbraith's concern.

Mr. Tegeder explained that before work began on the stone wall, he was given assurances from the Designer of the Jefferson Valley Streetscape and from Traffic Safety Officer Larry Eidelman that the site distance would be adequate

Supervisor Siegel told Mr. Moto that she would defer to Councilman Bianco on this issue.

Supervisor Siegel spoke to Mr. Page stating that she too has had problems with contractors. Residents need to rely on Westchester County who licenses contractors.

Councilman Bianco told Mr. Moto that Quinlan Street is not a large road. What you have to be concerned about is having the road widened. If Quinlan Street was to be made wider, we might begin to get buses and other things that you probably don't want to have on a residential road.

Councilman Bianco told Mr. Page that Westchester County has a tremendous Frauds Bureau.

Councilman Bianco told Mrs. Scalfani that he did visit her home and looked at her backyard where there is a beautiful stream that travels through the property. He told Mrs. Scalfani she owns the stream.

Councilman Martorano told Mr. Page that there is a remedy in law that he could avail himself of and that he would speak to him later.

INTRODUCE

NEW BUILDING INSPECTOR – JOHN WINTER

Supervisor Siegel introduced John Winter.

APPOINTMENT
JOHN KINCART – PLANNING BOARD
RESOLUTION #381

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

WHEREAS, The Planning Board serves an important, meaningful role as advisors to the Town Board in their deliberations of land use in the Town of Yorktown;

WHEREAS, John Kincart has served honorably and faithfully in his capacity as an alternate member of the Planning Board, and the Town Board is satisfied with his service;

THEREFORE, BE IT RESOLVED, that the Town Board does hereby appoint John Kincart as a full member of the Planning Board, to replace David Klaus, who resigned from the Board. Kincart will serve the remainder of Klaus's term, which expires on 12/31/14.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

APPOINTMENT
ROCHARD FON – PLANNING BOARD CHAIR
RESOLUTION #382

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

WHEREAS, The Planning Board serves an important, meaningful role as advisors to the Town Board in their deliberations of land use in the Town of Yorktown;

WHEREAS, David Klaus was the acting Chair when he resigned from the Board and the Board requires a new Chair to be appointed;

WHEREAS, Richard Fon has served honorably and faithfully in his capacity as a member of the Planning Board, and the Town Board is satisfied with his service;

THEREFORE, BE IT RESOLVED, that the Town Board does hereby appoint Richard Fon for a five year term as the Chair of the Planning Board, to expire on 7/31/16.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW IMPOSING A TEMPORARY THREE MONTH MORATORIUM ON
APPROVALS FOR ACCESSORY BUILDINGS

Supervisor Siegel convened a public hearing for the purpose of Imposing a Temporary Three Month Moratorium on Approvals for Buildings Accessory to Residences. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel stated that this moratorium will give the Town Board time to address new buildings that are accessory to residences, and enlargements of existing buildings accessory to residences, on a town-wide basis.

Mr. Nicholas Witkovich, a resident who successfully sued the Yorktown Zoning Board regarding their interpretation of the Town Code's definition of the term "building" accessory stating that it was not rationally based. The court agreed and the Town of Yorktown subsequently revoked the building permit. Mr. Witkovich asked the Town Board to take its time in coming up with new proposals. He stated that they must consider that some owners of residential property are using it for commercial purposes.

Mr. Howard Frank handed the Town Board a copy of Section 300-38 of the Town Code (a copy of which is on file in the Town Clerk's Office) Accessory Dwelling Units in a Single Family House. Mr. Frank stated that there has been a history of violations of this section of the law filed by the building department. These violations he says are subsequently legalized by the Yorktown Zoning Board. These property owners according to Mr. Frank never come before ABACA, the Town's Advisory Board on Architect and Community Appearance. He said the Accessory

Apartment law is very vague. There are three illegal accessory apartments on Curry Street. This part of the code needs to be clarified. Mr. Frank stated that he believes the moratorium needs to be expanded beyond three months because you are dealing with two issues, accessory structures and accessory apartments. He believes the Town Board needs to focus on both issues.

Supervisor Siegel stated that Mr. Frank was discussing two issues. The focus of this moratorium is accessory structures. She then read comments received from the Yorktown Planning Board recommending that all accessory structures be subject to the moratorium regardless of their size. ABACA recommended that sheds under 100 sq. feet be exempt from the moratorium as long as they meet the Town Code criteria for setbacks. The Building Inspector recommended that no exemptions be granted. The Supervisor read a letter from Mrs. Nancy Milanese requesting that any proposed local law include garages. She further stated that the size of permitted accessory structures must be based on a size of the structure in comparison to the existing main residence of the property and take into consideration the size of the lots of adjacent properties. Supervisor Siegel also read comments from the Westchester County Planning Board stating that there are no County or inter-municipal planning issues of concern to the County Planning Board. She stated that she was confident that Mr. Winter, the new Building Inspector will be able to come up with a proposal by September.

Councilman Bianco stated that he wanted all garages included in the proposal.

Councilman Martorano stated that he was concerned that this proposal is all encompassing and that all sheds are included in the law.

Councilman Patel also expressed concerns. He wanted to know if a resident has already gone to contract on an accessory structure but does not have a contract, will they be able to get a permit.

If someone already has an approval, they will be allowed to get a permit

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Martorano motioned, seconded by Councilman Bianco.

LOCAL LAW #8 OF 2011 IMPOSING A TEMPORARY THREE MONTH MORATORIUM ON APPROVALS FOR ACCESSORY BUILDINGS
RESOLUTION #383

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

WHEREAS, a public hearing was held on August 2, 2011 pursuant to notice duly published as required by law for imposing a temporary three month moratorium on approvals for accessory buildings. Now therefore be it

RESOLVED that Local Law #8/2011, as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Councilman Bianco	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Supervisor Siegel	Voting	Aye

Local Law #8/2011 was thereupon declared adopted.

CROTON OVERLOOK DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Supervisor Siegel convened a Public Hearing pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law relating to the Draft Environment Impact Statement for Croton Overlook Corp. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel introduced Mr. David Steinmetz, attorney for the applicant who stated that pursuant to State law, a stenographer will be taking down all comments raised

during this meeting. A transcript will be made available to the Town Clerk for inclusion into the record as soon as they are transcribed.

The following people spoke: Sarah Yackel, Planner representing residents from Random Farms. Councilman Bianco read a letter from Assemblyman Katz. Supervisor Siegel read a letter from Mr. Michaels, a resident on Spring Drive. She also read a communication from Jennie Sunshine. Mr. Paul Moskowitz spoke both as Co-Chair of the Advisory Committee on Open Space and as a resident. Mr. John Schroeder represented the Yorktown Land Trust. Mr. John Settembrino, also spoke as Co-Chairman of the Advisory Committee on Open Space. Mr. William Kellner, Chairman of the Tree Conservation Advisory Commission. Mr. Howard Frank. Mr. Larry Cassidy. Supervisor Siegel. Mr. John Tegeder, Planning Director for Yorktown asked that the written comment period be extended to August 22, 2011 instead of August 15, 2011.

CROTON OVERLOOK
RESOLUTION #384

Upon Motion by Councilman Patel, seconded by Supervisor Siegel,

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed, and

BE IT FURTHER RESOLVED that the comment period be and is hereby extended from August 15, 2011 until close of business August 22, 2011.

Siegel, Patel Voting Aye
Bianco, Martorano, Patel Voting Nay
Motion not carried

CROTON OVERLOOK
RESOLUTION #385

Upon Motion by Councilman Bianco, seconded by Councilman Martorano,

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed, and

BE IT FURTHER RESOLVED that the comment period be and is hereby extended from August 15, 2011 until close of business August 30, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AWARD BID ALARM MONITORING – TOWN BUILDINGS
RESOLUTION #386

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

WHEREAS, the Town solicited Requests for Proposals for alarm monitoring services on April 20, 2011, and

WHEREAS, five proposals were received on May 27, 2011 and evaluated by Town Staff based on a variety of criteria including, but not limited to: cost, service rates, the ability to service all existing alarm installations, and for the upgrade of the alarm network using radio transmission technology, and

WHEREAS, it was determined that the proposal submitted by Marshall Alarm Systems, Inc. was the most beneficial to the Town,

THEREFORE BE IT RESOLVED, that the Town selects Marshall Alarm Systems to provide alarm services for upgrading and monitoring the network as per their submitted proposal. The contract will run for a period of three years with the option to renew for two 1-year periods.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye

Resolution adopted.

APPROVE TAX CERTIORARI SETTLEMENT
GLOBEOP FINANCIAL SERVICES, LLC
RESOLUTION #387

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.07, Block 1, Lot 1, located at 1565 Front Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 48.07-1-1, owned by Globeop Financial Services, LLC, Account # 4456509, for assessment roll years 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

Roll Year	<u>AV</u> <u>From</u>	AV <u>To</u>	AV <u>Reduction</u>
2010	\$176,000	\$161,850	\$14,150
2009	\$176,000	\$161,700	\$14,300
2008	\$209,950	\$136,500	\$73,450

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE TAX CERTIORARI SETTLEMENT
3D DEVELOPMENT, LLC
RESOLUTION #388

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 25.20, Block 1, Lot 14, located at 2710 Lexington Avenue, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 25.20-1-14, owned by 3D Development LLC, Account # 0378000, for assessment roll years 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

Roll Year	<u>AV</u> <u>From</u>	AV <u>To</u>	AV <u>Reduction</u>
2010	\$43,500	\$23,650	\$19,850
2009	\$43,500	\$25,410	\$18,090
2008	\$43,500	\$26,250	\$17,250
2007	\$43,500	\$25,610	\$17,890
2006	\$43,500	\$23,100	\$20,400
2005	\$43,500	\$22,500	\$21,000
2004	\$43,500	\$25,000	\$18,500
2003	\$43,500	\$25,100	\$18,400
2002	\$43,500	\$25,650	\$17,850
2001	\$50,950	\$30,950	\$20,000

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

REDUCTION PERFORMANCE AND EROSION CONTROL BOND
MARTINEZ MINOR SIBDIVISION
RESOLUTION #389

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

WHEREAS, Anthony Martinez, as applicant and developer, provided the Town with Trustco Bank Letter of Credit #30194999 in the amount of \$68,775.00, to serve as the Performance Bond for the Martinez Subdivision located on Jacob Road, and

WHEREAS, AMPM Properties, LLC, (Anthony Martinez) as applicant and developer, provided the Town with Check #133 in the amount of \$30,000.00, which was deposited into the T33 account on July 30, 2010, to serve as the Erosion Control Bond, and

WHEREAS, ACM Building Corp., (Anthony Martinez) as applicant and developer, provided the Town with Check #6158, in the amount of \$10,000.00, to serve as the Wetland Bond for a five-year period for Wetland Permit #068-05, and

WHEREAS, Mr. Martinez has requested his performance and erosion control monies be reduced, and

WHEREAS, the Acting Town Engineer has informed this Board that a representative of her department has inspected the property and determined public improvements have met Town requirements, but construction is not yet complete, therefore, a bond reduction has been completed and all other securities held, and

WHEREAS, the Acting Town Engineer has said that the Performance Bond may be reduced by \$43,275.00 (\$68,775.00 - \$43,275.00 = \$25,500.00), NOW,

THEREFORE BE IT RESOLVED, that said Performance Bond can be reduced to \$25,500.00 and, BE IT FURTHER

RESOLVED, that the Erosion Control Bond can be reduced to \$3,000.00, NOW, THEREFORE BE IT

RESOLVED, that all remaining monies will be held in full force and effect until all construction is completed.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

RETIREMENT STANDARD WORK DAY FOR TITLE OF COOK
RESOLUTION #390

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

Whereas, the NYS Employees Retirement System requires the Town to set a standard day for all titles, and

Whereas, the position of cook should not fall under the 7 hour standard day for clerical and office workers, now

Therefore Be It Resolved, the standard day for the title of cook for retirement purposes shall be 6.5 hours.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO THE MAINTENANCE
AGREEMENT WITH METROCOM WIRELESS, INC. – POLICE DEPARTMENT
RESOLUTION #391

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an amendment to the maintenance agreement with Metrocom Wireless Inc. covering Yorktown Police Department's Motorola two-way radios to add 10 additional units of equipment to be covered under the existing agreement that expires on January 31, 2012. The amendment shall be effective from September 1, 2011 through January 31, 2012. The contract amount shall be \$260 per month through August 31, 2011 and shall be \$520 commencing September 1, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR SUPPLEMENTAL NUTRITION ASSISTANCE PLAN (SNAP) THE CONTRACT AMOUNT IS \$10,333.00 FOR THE PERIOD OF APRIL 1, 2011 THROUGH MARCH 31, 2011
RESOLUTION #392

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Westchester County for Supplemental Nutrition Assistance Program (SNAP), for the provision of nutrition services to seniors through NYS Office for the Aging grant funds provided by Westchester County. The contract amount is \$10,333.00 for SNAP and Nutrition Services Incentive Program (NSIP) combined and the term is April 1, 2011 through March 31, 2012.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE CONFERENCE ATTENDANCE
PARKS AND RECREATION SUPERINTENDENT JENNIFER FAVA
RESOLUTION #393

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

Resolved, that Jennifer Fava, Superintendent of Parks & Recreation, is authorized to attend the annual conference of the National Recreation and Park Association Congress & Exposition in Atlanta, Georgia from October 31 – November 4, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AMEND PROCURMENT POLICY
RESOLUTION #394

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

RESOLVED that the Town Board approves the addition of the underlined text as amendments to the Procurement Policy previously adopted on September 21, 2010.

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 *	\$20,00 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.

Once a vendor has been selected as a result of a competitive RFP process and has satisfactorily completed the agreed upon Scope of Services, the Town Board may re-engage the same vendor without issuing a new RFP provided that the additional work is related to the Scope of Services covered in the initial RFP.

V. Procurement Involving the Purchase of Professional Services and Goods

In furtherance of the spirit of Section 104-b of General Municipal Law which states that governing bodies shall adopt internal policies and procedures that

“assure the prudent and economical use of public moneys in the best interests of the taxpayers ...to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances...”

the Town Board recognizes that in certain circumstances, it may not always be feasible to use competitive bids for a purchase that involves a combination of a technical service and the purchase of goods given the fact that there could be alternate ways to structure the purchase and the Town may not be in a position to prepare bid specifications for a competitive bid until it has reviewed the various alternatives. In such circumstances, the Town Board may decide that it is in the Town's best interests and the best interests of its taxpayers to seek competitive alternate proposals through the Request for Proposal (RFP) process which would not require the outlay of public moneys.

In addition to giving the Town the opportunity to select the most cost effective option for proceeding with a combined service/goods purchase, the RFP process would also enable the Town to select a vendor based on other relevant criteria such as, but not limited to, prior experience with the vendor, prior knowledge of the Town and its systems, qualifications and experience and references, which cannot be considered when using the more restrictive competitive bid process.

VI. 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, when the price, or list price with discount, including all applicable additional charges such as, but not limited to, delivery charges, is available, and with appropriate documentation.

Notwithstanding the above, in the event that price information is not available from any vendor with a State or County contract in hard copy, such as but not limited to, a catalog or fax, or in digital format, such as, but not limited to a web site or a CD, and documentation is provided stating that price information was requested from the vendor/s but was not made available to the Town, the department heads shall not purchase off the State or County contract but instead shall solicit quotes or advertise competitive bids pursuant to Section II above.

F. Goods purchased at auction, with appropriate documentation.

G. Standardization. When for reasons of efficiency or economy, there is need for standardization for the purchase of a particular type or kind of equipment, material or supplies, the Town Board may specify specific brands in either the request for written quotes or in the bid specifications depending on the dollar thresholds in Section II, providing that adequate documentation explaining the reasons for the standardization request.

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, Bianco, Martorano, Murphy, Patel Voting Aye

Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN
WESTCHESTER COUNTY BUS SHELTER IMA
RESOLUTION #395

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an intermunicipal agreement with COUNTY OF WESTCHESTER for the provision and maintenance by the County of bus passenger shelters in Yorktown, and for payment by the County to the Town of fifty percent of the revenues received by the County from the County's licensee, under an agreement between the County and the licensee, after the County's deduction of an annual administrative fee of \$95,000. The term of the agreement is five (5) years, commencing on April 1, 2011 and expiring on March 31, 2016.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN GRANITE KNOLLS/PHEONIX HOUSE ACCESS
AGREEMENT
RESOLUTION #396

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

WHEREAS, the Town Board of the Town of Yorktown wishes to acquire a license on real property located on Tax Lot 26.05-1-4 owned by Phoenix House Foundation, Inc., for the purpose of ingress and egress to the town-owned parcel located on Tax Lot 26.09-1-22, and Phoenix House Foundation, Inc. wishes to grant the town such license for \$1.00;

WHEREAS, the proposed acquisition is a minor temporary use of land having negligible or no permanent impact on the environment and is therefore a Type II action under SEQR and no review is required under SEQRA;

NOW THEREFORE, BE IT RESOLVED, the Town Board adopts a Negative Declaration based on the short-form EAF; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to acquire a license on real property located on Tax Lot 26.05-1-4, for the price of \$1.00.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE CHANGE ORDER
AUTHORIZING UP TO AN ADDITIONAL \$10,000 FOR ADDITIONAL SERVICES
PERFORMED BY SULLIVAN ARCHITECTURE, P.C. FOR SERVICES RELATED TO
THE RENOVATION OF THE YCCC
RESOLUTION #397

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

Councilman Bianco questioned the additional work that was done on this bid. He stated that if it was just to re-work the bid document, then each word cost the Town several hundred dollars.

Supervisor Siegel spoke about the additional services performed by the Architect. She spoke of a change in the ceiling which also necessitated a change in the HVAC. She further stated that when we signed the contract with the architect, it was assumed that the Town would do the basic contract work.

Resolved, a change order is hereby authorized for up to \$10,000 for work performed by Sullivan Architecture, PC, for additional services related to the renovation of the Nutrition Center at the YCCC, including the redesign of the ceiling, the preparation of the "up-front/boiler plate" portions of the bid specifications, and costs associated with re-bidding the project.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN EXTENSION AGREEMENT WITH NEW YORK LEAK DETECTION
RESOLUTION #398

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

WHEREAS, bids for professional leak detection services on the Town's 174 miles of water mains were accepted and opened and read aloud on August 2, 2010; and

WHEREAS, the Town of Yorktown has entered into an agreement with New York Leak Detection Inc. of Jamesville, NY to provide professional leak detection service; and

WHEREAS, according to contract specifications, the Town has the option to extend said bid for three additional years in one-year increments; and

WHEREAS, said bid commenced in 2010; at a cost of \$21,750.00; and,

WHEREAS, the water district has ample funds to cover this expense, which will come out of Water District (SW) budget;

NOW THEREFORE, BE IT RESOLVED, the Water Distribution Superintendent hereby recommends to the Town Board that the Town exercise its option to renew the contract for one year, per the terms and conditions of the bid.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

APPROVE ERECTION OF BANNER FOR OCTOBER STREET FAIR
RESOLUTION #399

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

Resolved, that the Town Board approves the placement of banners for the October 9, 2011 Chamber Street Festival, of which the Town is a Co-Sponsor, at three locations; The Yorktown Firehouse and Route 6 (near Shallow Creek Golf Course).

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #400

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund Amount</u>
2010 Sch 21	16.20-1-53	1947220	\$4,558.37
2011 Town/Cty	37.15-2-11	3987000	\$4,147.00
2010 Sch 22	37.15-2-15	3992500	\$2,091.59
2010 Sch 21	16.15-1-2.2-63	1451063	\$1,021.30
2010 Sch 22	70.13-1-36	4817000	\$5,976.62

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

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown