

Work Session held by the Town Board, Town of Yorktown on May 29, 2012, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Nicholas J. Bianco, Councilman  
Terrence P. Murphy, Councilman  
Vishnu V. Patel, Councilman  
David D. Paganelli, Councilman  
Diana L. Quast, Deputy Town Clerk

#### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss personnel.

#### WORK SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved out of Executive Session and into the Town Board meeting.

#### UPDATE FROM TOWN COMPTROLLER

Town Comptroller Joan Goldberg and Mr. Joseph Kolimek, Director of Toski, Schaefer & Company, P.C., the Town's Financial Auditing Company were present to discuss with the Town Board the establishment of an Audit Committee. Mr. Kolimek explained that many communities are creating Audit Committees to advise Town Boards on specific matters. The Town Board is in favor of creating an Audit Committee and will begin the process of establishing the criteria.

Supervisor Grace stated that the public should get more involved in the budget process and this will be a citizens committee who will make recommendations to the Town Board relating to budget issues.

Town Comptroller Joan Goldberg stated that the Highway Department and the Finance Department has been trained on the new KVS system. She asked the Town board if they had any concerns with the new reports generated from the Finance Department.

Town Comptroller Joan Goldberg asked the Town Board if they had a chance to review the computer upgrades bid.

Councilman Patel asked who put the Comptroller in charge of the Information Technology for the Town.

Councilman Paganelli stated that the Town hires Glen Sullivan and his company Sullivan Data handles the Informational Technology needs for the Town.

Highway Superintendent DiBartolo stated that he needed a new copier because the one at the Highway Department is not working.

Supervisor Grace stated that he had a copier that the Highway Department could use until the Town bids out for computer, networking and copier equipment.

Town Comptroller Joan Goldberg stated that separate capital project accounts need to be established for the Holland Sporting Club and for the Open Space Bonds.

Councilman Patel spoke about the generator for the YCCC.

Highway Superintendent DiBartolo stated that he spoke to Con Edison and they told him that they would be willing to run a gas line from the Highway Building to the Town Hall. This could change the kind of generator needed at the Town Hall.

#### STORMWATER ANNUAL REPORT

Environmental Consultant Bruce Barber gave a presentation on the Annual Stormwater report. A copy of the Annual Stormwater report is available on the Town's website and in the Town Clerk's Office for review by the public.

Councilman Bianco asked if the Water Quality has improved.

Environmental Consultant Bruce Barber stated that the water quality is not measured year to year but believes that this will be a requirement in the next couple of years.

Mr. Ken Belfer, Chair, Mohegan Lake Improvement District stated that they continually try to improve their efforts for better water quality. They test the water in Mohegan Lake every two weeks.

#### HALLOCK'S MILL PUMP STATION

Acting Town Engineer Sharon Robinson stated that there are several pump stations that need to be upgraded. She explained that a decision will have to be made as to the Hallocks Mill Pump Station on Greenwood Street. If the Town diverts the sewage to the Westchester County Sewer Plant in Peekskill then it would reduce the amount of sewage going to the Yorktown Water Treatment Plant and possibly open some capacity up to sewer more residents in the Town.

Supervisor Grace stated that he has spoken to Cortlandt Supervisor Linda Puglisi and she is receptive to the idea. He also noted that the Town may be able to utilize money from the East of Hudson Funds to help upgrade and create this infrastructure.

Mrs. Susan Siegel spoke about the unsewered Hallock's Mill homeowners and asked several questions. Her Questions and comments are on file in the Town Clerk's office for public review.

Supervisor Grace stated that the Town of Yorktown needs to be bolder when dealing with these issues. He also noted that if we can loosen up the capacity at the Water Treatment Plant that could allow for more commercial rateables into the Hallock's Mill Sewer District and this could lower the costs to the homeowners.

Acting Town Engineer Sharon Robinson stated that there is a potential that the Town's existing sewer trunk lines will need to be upgraded as well.

#### TREETOPS REHABILITATION AND CARE CENTER

Mr. Gabriel Tchilinguirian stated that Northern Westchester Restorative Center would like a Special Use Permit to add approximately 2,900 square feet of additional space to its current building. A Variance has already been issued by the Zoning Board of Appeals.

#### YCCC SENIOR CENTER

Planning Director John Tegeder stated that the architect for the Senior Center renovations project has requested a change order in the amount of \$3,400. Sullivan Architects has done the work for this change order.

#### METRO/PCS CELL TOWER PROJECT AT MOHEGAN STORAGE TANK SITE

Town Attorney Jeannette Koster stated that she attended a meeting with Town Supervisor Michael Grace and a representative from the Metro/PCS Company. All of the concerns have been addressed and the existing lease will be modified in order to raise the cell towers.

#### ETHICS BOARD

Members of the Ethics Board discussed with the Town Board and setting procedures for dealing with complaints filed with the Ethics Board. The Town Board decided to place this on the next Town Board agenda.

#### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to move into Executive Session and discuss an Ethics issue.

#### ACCEPT FINDINGS OF ETHICS BOARD

#### REGARDING LAST COMPLAINT

#### RESOLUTION #210

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

RESOLVED, that the Town Board accepts the findings of the Ethics Board as far as the last complaint.

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

#### ST. GEORGE'S WINERY/OLD STONE CHURCH

Members of the Conservation Board (CB) and Advisory Committee on Open Space (ACOS) met with the board to discuss two issues relating to the Winery's proposed use of a portion of town-owned parkland for 12 additional parking spaces. While the Conservation Board was concerned about the proposed mitigation measures in the wetland buffer, the ACOS members were concerned about using town parkland for a commercial purpose.

Wetland buffer. The key issue was the CB's request for more details about the plantings in the proposed swale (depression) along Route 6 that would capture, retain and treat stormwater. Whereas the latest version of the site plan said that an appropriate "seed mix" would be used in the swale, CB members Phyllis Bock and Diane Drier said that more detail was needed on the exact plants and shrubs to be planted. Grass will die, they said, adding that the swale was planned as a permanent mitigation feature. When Winery owner Tom DeChiaro and his engineer Jeff Econom said, "tell us what we have to plant," Ms. Drier told them that as a volunteer advisory board, the CB could give them suggestions but that they would have to hire a landscape architect to work out the actual plan. Mr. Econom added that since the swale would be on DOT property, the agency would have to okay any proposed plantings. He also suggested that the selection would be influenced by the road salt and other debris likely to impact on any plantings.

The upshot of the discussion was that Ms. Drier will email a list of suggested plantings and the applicant will follow up with the DOT.

Use of Parkland: John Schroeder, speaking on behalf of the ACOS, reiterated the group's opposition to the use of parkland for the use of a commercial property. Calling the use an "alienation" of parkland, he reiterated the group's suggestion that the state Parks Department be asked for an advisory opinion on whether or not the proposed use did in fact constitute "alienation." He also reiterated the need for a plan for the 14 acre parkland site, noting that the best use of some parkland is that it be left alone. A study might show, he added, that the site should not be accessible to the public.

In response to comments that there were eagle scouts ready to build trails into the wetland as part of the site's "educational use," Ms. Bock said that a similar project at Teatown Reservation had failed and had to be rebuilt and Mr. Schroeder said that many proposed scout projects never materialized.

Reading from an email from a concerned resident, Councilman Paganelli asked the following questions.

1. who would plow the lot in the winter when it wasn't being used for educational purposes. The response was the Town.
2. who would have liability if someone had an accident in the lot, or in the Winery's lot that was the access to the town-owned lot. Answer. The Town would be liable for the town-owned land and the Winery, for accidents that happened on its property.

In response to the many comments, Supervisor Grace said he totally rejected the "alienation" argument, noted that only about 800 square feet of the 14 acre site was going to be used for parking, and that it was a benefit to the town to have the buffer area, that he categorized as a "dump," cleaned up. He said that allowing a business to operate benefited the quality of life for all Yorktowners.

Councilman Paganelli, saying that it was time to "cut to the chase," said that for him the bottom line was that it was better to see the wetland buffer cleaned up.

Councilman Bianco said that everyone had made some good points. He suggested that the use of the town land be separated from the rezoning request, adding that the rezoning request parcel could proceed while an application for a wetlands permit was filed for the town owned land. Commenting on the procedural issues, Planning Director John Tegeder said that the board could

proceed with the planned June 5<sup>th</sup> vote on the rezoning as long as the approving resolution included conditions relating to the plantings in the swale and the granting of the required wetlands permit. He will work with the town attorney on the approving resolution.

The applicant will also amend its previously submitted Environmental Assessment Form (EAF) which he ACOS said did not address the latest plan.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH THOMSON REUTERS FOR WESTLAW SERVICE  
RESOLUTION #211

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with West, a Thomson Reuters business, located at 610 Opperman Drive, P.O. Box 64833, St. Paul, MN 55164, for a 2-year license/subscription agreement for legal research database access, commencing on June 1, 2012, at a cost of \$ 968.10 per month for the first year with a 3% increase, to \$997.14 per month, for the second year commencing on June 1, 2013.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH INTERGRATED BIOMETRIC TECHNOLOGY, LLC D/B/A MORPHOTRUST USA FORMERLY L-I ENROLLMENT SERVICES DIVISION TO PROVIDE FINGERPRINTING SERVICES FOR TOWN PERSONNEL AND CONTRACTORS WORKING HIGH-SECURITY YPD AREAS  
RESOLUTION #212

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Integrated Biometric Technology, LLC, d/b/a MorphoTrust USA (f/k/a L-1 Enrollment Services Division) to provide fingerprinting on as-needed basis at an off-site location to town personnel and agents for a fee of \$75.00 for the DCJS fingerprint search fee; \$19.25 for an FBI fingerprint search fee; and \$11.50 for the vendor fee.

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

APPOINT MOTOR EQUIPMENT OPERATOR  
KEITH DEVITO – HIGHWAY DEPARTMENT  
RESOLUTION #213

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

BE IT RESOLVED, that Keith R. DeVito of Yorktown, NY, is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective May 29<sup>th</sup>, 2012 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$46,837.00 annually;

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Keith R. DeVito will report to work at the Highway Department on June 4th, 2012, and this date will be used as the first date of appointment,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 4th, 2012.

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

APPOINT ASSISTANT COURT CLERK  
YOLANDA VASQUEZ – JUSTICE COURT  
RESOLUTION #214

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

BE IT RESOLVED, that Yolanda Vazquez of Ossining, NY, is hereby appointed Assistant Court Clerk, job class code 0050-01, effective May 29th, 2012, to be paid from Yorktown CSEA Salary Schedule A1, Group 8, Step 4, which is \$53,808.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Yolanda Vazquez will report to work at the Yorktown Town Court on June 18th, 2012, and this date will be used as the first date of appointment,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 18th, 2012.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH JET-VAC, INC. TO INSTALL  
A WATERPROOF POLYUREA LINING TO THE TANK OF THE HIGHWAY  
DEPARTMENT'S VAC TRUCK AT A PRICE OF \$8,500  
RESOLUTION #215

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

WHEREAS, the Highway Superintendent has determined that the Highway Department's Vactor vac truck needs a waterproof lining (specialized rubberized coating) applied to the tank of the truck; and

WHEREAS, and the Town's procurement policy states that an RFP with three written quotes is required for goods and services under \$10,000;

WHEREAS, the Highway Department developed a request for proposals (RFP), identified four companies that perform this service at their facilities, one each in New York, Ohio, Connecticut and New Jersey, and contacted all four to obtain quotes; and

WHEREAS, only the New Jersey company, Jet-Vac, Inc., quoted the job because the other companies either said the town's vac truck was too large for their facilities, or didn't respond to the request for a proposal; and

WHEREAS, Jet-Vac, Inc. quoted a price of \$8,500 to provide the service;

NOW THEREFORE BE IT RESOLVED, that the Town Board finds that the Highway Superintendent followed the procurement policy to the fullest extent possible and that three written quotes could not be obtained despite the reasonable efforts of the staff of the Highway Department;

NOW THEREFORE, be it resolved that the Town Board waives the application of the procurement policy to this proposed purchase and authorizes the Supervisor to sign an agreement with Jet-Vac, Inc. to install a waterproof polyurea lining to the tank of the Highway Department's vac truck at a price of \$8,500.

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

REQUEST TO AWARD A STAINLESS STEEL MULTI-TASK BODY PACKAGE

Highway Superintendent Eric DiBartolo stated that the Town has received bids for the Stainless Steel Multi Task Body Package and the bids came in lower than the State bid. He would like to purchase two trucks for a total of \$

Deputy Town Clerk Diana L. Quast asked if the bid was for one or two trucks.

Highway Superintendent stated that it was for two trucks.

TOWN BOARD AGENDA

JUNE 5, 2012

The Town Board discussed the June 5, 2012 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.

ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown