

Meeting of the Town Board, Town of Yorktown held on November 19, 2013 at the Town Hall, 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  
Jeannette Koster, Town Attorney

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### PLEDGE OF ALLEGIANCE

Supervisor Grace 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.

#### PRESENTATION

Ms. Betsy Musso, Coalition Coordinator for the Alliance for Safe Kids (ASK) gave a presentation on all the events that have been done over the last year.

#### REPORTS FROM TOWN SUPERVISOR

Supervisor Grace spoke about the 2<sup>nd</sup> Annual Holiday Electric Light Parade which will be held on Saturday, December 7, 2013 and urged everyone to attend. Supervisor Grace stated that the Water Treatment Plant will be doing smoke tests to capture illegal flow hook ups into the stormwater system. If you see smoke come into your house contact the Engineering Department at 914-962-5722 x220.

#### REPORTS FROM TOWN BOARD MEMBERS

Councilman Bianco stated that there is a Lakeland School Bond vote for safety and security tonight and he urged everyone to come out and vote.

Councilman Murphy stated that Senator Greg Ball will be having his annual Veterans Hall of Fame Dinner on November 21, 2013 at the Van Cortlandt Middle School. He also congratulated Lakeland Girls Field Hockey on winning their Fifth State Title. He wished everyone a Happy Thanksgiving.

Councilman Patel spoke about the Country House, Girls Field Hockey; Veteran's Day Parade and asked everyone to help the Philippines if they can.

Councilman Paganelli read thank you letters regarding the Yorktown Police Department and the Yorktown Nutrition/Senior Center. Councilman Paganelli thanked the Parks and Recreation Department for all their hard work and he wished everyone a Happy Thanksgiving Day.

#### APPOINTMENT – THOMAS GALLELLO

#### CARETAKER – JOHN C. HART MEMORIAL LIBRARY

#### RESOLUTION #491

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

BE IT RESOLVED, that Thomas M. Gallelo is hereby appointed Caretaker, job class 0446-02, in the Library, effective February 26, 2013 to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1, which is \$50,782.00 annually.

BEIT 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 Feb. 26, 2013.

This is to satisfy a change in title only as per Westchester County Civil Service decision.

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

APPOINTMENT – MICHELLE DIACO  
OFFICE ASSISTANT AUTO SYSTEMS – POLICE DEPARTMENT  
RESOLUTION #492

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

BE IT RESOLVED, that Michelle Diaco of Yorktown Heights, NY, is hereby appointed to the civil service title, Office Assistant (Auto Systems), job class code 0750-01, from Eligible List No. 02-140, effective November 20th, 2013, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 8, Step 1, which is \$45,843.00 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 Michelle Diaco will report to work at the Yorktown Police Department on November 20, 2013 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 November 20th, 2013.

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

APPOINTMENT – SHANE ENEA  
ASSISTANT COURT CLERK – JUSTICE COURT  
RESOLUTION #493

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

BE IT RESOLVED, that Shane L. Enea of Cortlandt Manor, NY, is hereby appointed to the civil service title, Assistant Court Clerk, job class code 0050-01, from Eligible list No. 68-284, effective December 2nd, 2013, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 8, Step 1, which is \$45,843.00 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 Shane L. Enea will report to work at the Yorktown Town Court on December 2<sup>nd</sup>, 2013 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 December 2<sup>nd</sup>, 2013.

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

APPOINTMENT – CARL LADUCA  
WATER MAINTENANCE WORKER – WATER DEPARTMENT  
RESOLUTION #494

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

BE IT RESOLVED, that Carl LaDuca of Putnam Valley, NY, is hereby appointed provisional to the civil service title, Water Maintenance Worker Grade II, job class code 0621-01, within the Water Department, effective November 20th, 2013 to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 10, Step 2 which is \$49,363.00.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement.

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

APPOINTMENT – PAUL COLARUSSO  
MOTOR EQUIPMENT OPERATOR – HIGHWAY DEPARTMENT  
RESOLUTION #495

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

BE IT RESOLVED, that Paul Colarusso of Putnam Valley, NY, is hereby appointed to the civil service title, Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective November 25th, 2013 to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$46,836.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement;

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 November 25th, 2013.

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

RETIREMENT – SANDRA NORMAN

The Town Board accepted the retirement of Sandra Norman from the John C. Hart Memorial Library.

RESOLUTIONS FROM THE MEETING OF 10/15/2013  
RESOLUTION #496

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

Resolved, that the Town Board Meeting Resolutions for October 15, 2013 are approved by the Town Board.

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

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mr. Grigory Krastov spoke about wetlands and black mold in his house.

Mrs. Susan Siegel spoke about the CSEA Contract and asked the Town Board to explain the differences in the newly agreed upon contract.

PUBLIC HEARING  
WINERY AT ST. GEORGE'S, LLC

Supervisor Grace convened a Public Hearing to consider the application of Thomas DeChiaro, Old St. George's LLC for an amended Site Plan. Known on the Town of Yorktown tax map as Section 15.12, Block 2, Lot 53. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Mr. Jeff Econom, Engineer for applicant gave an overview of the amended site plan.

No Public Comment was received.

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

DECISION

WINERY AT ST. GEORGE'S, LLC

RESOLUTION #497

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

WHEREAS, Old St. Georges, LLC (applicant), by and through its president and CEO Thomas DeChiaro, submitted an application for a rezone from R1-20 residential zone to a transitional zoning designation and site plan approval for an 0.22 acre parcel located on Route 6 in the Mohegan Lake area of the Town of Yorktown, known as Section 15.12 Block 2 Lot 53 of the Town tax map ("the Property"), which were based on plans dated September 26, 2010, and last revised May 18, 2012 (the "2012 Plans"); and

WHEREAS, on June 5, 2012, following a duly noticed public hearing and review of all written comments submitted in connection therewith, and the issuance of a negative declaration upon completion of SEQRA review, on June 5, 2012, the Town Board designated the Property a Transitional Zone based on the 2012 Plans subject to the condition that the applicant grant the Town an easement; and

WHEREAS on June 5, 2012, the Town Board also approved the application of the applicant for site plan approval subject to sixteen conditions listed in the approval resolution, one of which was to obtain Stormwater Permits from the Town; and

WHEREAS, by letter of its engineer, Jeffrey a. Econom, dated September 16, 2013, the applicant requested that the Town Board amend the site plan and base the application on the plan originally approved by the Zoning Board of Appeals and the Planning Board, dated September 26, 2010, and last revised February 15, 2010 (the "2010 Plans");

WHEREAS the applicant submitted as part of his application the following maps and documents:

1. A survey prepared by Big Apple Land Surveyors, P.C. dated June 2, 2010, as revised January 24, 2011; and
2. A map, Sheet 1 of 3, entitled "Proposed Parking Plan for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised February 15, 2010; and
3. A map, Sheet 2 of 3, entitled "Proposed Parking Plan for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised February 15, 2010; and
4. A drawing, Sheet 3 of 3, entitled "Details for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised February 15, 2010.

WHEREAS the Town Board has referred this application to the following boards and agencies:

ABACA  
Conservation Board  
Open Space Committee  
Planning Board

NYS DEC  
NYS DOT  
NYS OPRHP

and;

WHEREAS the Town received and has considered reports from the following boards and agencies;

<u>Board/Agency</u>	<u>Report Date</u>
ABACA	September 25, 2013
Conservation Board	September 27, 2013
Planning Board	November 19, 2013

and,

WHEREAS the Applicant's Principal, Thomas DiChiaro, has been issued a Use and Occupancy Permit by the New York State Department of Transportation (NYSDOT Property) dated September 14, 2005, for the purpose of "5,100+/- sf for parking area in conjunction with the adjoining business," and

WHEREAS the Town Board, having reviewed the 2010 Plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the amended site plan application at Town Hall in Yorktown Heights, New York, on November 19, 2013; BE IT HEREBY

RESOLVED the Applicant shall be responsible for the maintenance of the improvements constructed upon the NYS DOT right-of-way parcel as shown on the site plan; and

RESOLVED the Applicant will retain an Environmental Systems Planner to supervise and be present during the construction of the erosion control measures, which Environmental Systems Planner will provide weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector throughout construction; and

RESOLVED that a Stormwater Permit and Excavation Permit are hereby granted, subject to the applicant's full compliance with Chapter 248 of the Town Code; and

RESOLVED the transitional zone approval issued on June 5, 2012, shall remain in full force and effect and unchanged, except that the easement requirement is hereby waived as being no longer necessary; and

RESOLVED approval of the amended site plan is hereby granted to Old St. Georges LLC, for the restaurant in the existing converted church structure on the subject premises as shown on the 2010 Plans. The site shall be improved as per the 2010 Plans and pursuant to the following conditions:

1. The primary use of the subject Property shall be limited to the uses as shown on the 2010 Plans;
2. The bulk regulations, as established by the Town Board herein, shall be met by the proposed development. Any aspect of the development exceeding the requirements established herein, or any other applicable regulations established by the Town Code site plan shall require an amended approval from the Town Board.
3. Any deviation from the final approved site plan, as herein amended, shall require an amended approval from the Town Board.
4. A final amended site plan signed by the Town Supervisor must be obtained prior to issuance of Certificate of Occupancy.

5. Applicant must submit final plans and as-builts in AutoCAD DWG readable format.
6. Proposed plan must comply with all currently applicable ADA standards.
7. Applicant must obtain all necessary permits from outside agencies in order to complete project.
8. Upon completion of site work, Applicant shall apply for a permanent certificate of occupancy.

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution this approval will be null and void.

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

AUTHORIZE SUPERVISOR TO SEND LETTER TO NYS DOT  
WINERY AT ST. GEORGE’S, LLC  
RESOLUTION #498

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

WHEREAS, the Town of Yorktown owns a 15-acre parcel of parkland located south of State Route 6 having a tax map number 15.12-2-52 and

WHEREAS, Old St. George’s, LLC, owns an adjacent parcel of approximately 0.75 acres, having tax map number 15.12-2-53 and

WHEREAS, Old St. George’s, LLC has informed the Town Board that it wishes to purchase from New York State a right-of-way that abuts Route 6 and that is adjacent to both the Town’s and Old St. George’s parcels, now be it

RESOLVED, that the Town Board authorizes the Town Supervisor to send a letter to the New York State Department of Transportation stating that the Town Board has no objection to the proposed transaction.

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

REFERRAL  
REQUEST AMENDED SITE PLAN – SHELL SERVICE STATION  
1821 COMMERCE STREET  
RESOLUTION #499

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received Shell Service Station, 1821 Commerce Street, Yorktown Heights, NY c/o Catapano Engineering, PE, 585 Broadhollow Road, Melville, NY for an amended special use permit, the addition of a canopy; to the agencies listed below for their review and/or recommendation, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by December 17, 2013, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled to take place on Tuesday, January 21, 2014 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o’clock or as soon thereafter can be heard.

New York State Department of Environmental Conservation

New York City Department of Environmental Protection

Westchester County Planning Board/Planning Department

Town of Yorktown Agencies:

ABACA  
Building inspector  
Environmental Consultant  
Highway Superintendent  
Planning Board  
Planning Department  
Town Attorney  
Acting Town Engineer

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

ADVERTISE BID  
STONE, GRAVEL AND CONCRETE MATERIALS – HIGHWAY DEPARTMENT  
RESOLUTION #500

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 4, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Stone, Gravel and Concrete Materials Bid – Year 2014 - Highway Dept. Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Stone, Gravel and Concrete Materials Bid –Year 2014-Highway Dept. Bid.** The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE PROPOSED LOCAL LAW TO AMEND CHAPTER 15 CONCERNING  
BUILDING PERMIT RENEWAL FEES  
RESOLUTION #501

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, on the 3<sup>rd</sup> day of December, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled “BUILDING CONSTRUCTION ADMINISTRATION” concerning building permit renewals fees.

A copy of said 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.

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

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

AWARD BID  
BI-ANNUAL BROCHURE – PARKS AND RECREATION  
RESOLUTION #502

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

WHEREAS, bids were received on Friday, November 1, 2013 for formatting, printing and delivering the 2014 Program Brochures as specified by the Town of Yorktown Parks and Recreation Department. Bids were submitted by the following vendors:

1. Graphic Image, Inc.  
561 Boston Post Road  
Milford, CT. 06460  
BID per Brochure: \$5,380.00  
Total cost per year (x2): \$10,760.00
2. Courier Printing Corporation  
24 Laurel Bank Ave.  
Deposit, NY 13754  
BID per Brochure: \$8,214.00  
Total cost per year (x2): \$16,428.00
3. Aladdin Printing  
560 S 3rd Avenue  
Mount Vernon, NY 10550-4567  
BID per Brochure: \$9,145.00  
Total cost per year (x2): \$18,290.00

RESOLVED, that the lowest bidder, Graphic Image, Inc., is awarded the 2014 Program Brochures Bid.

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

ACCEPT AUDIT PREPARED BY O’CONNOR, DAVIES, LLP FOR JUSTICE  
COURT -UNIFORMED COURT SYSTEM  
RESOLUTION #503

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

RESOLVED, that the audit of the Town of Yorktown Justice Court prepared by O’CONNOR DAVIES, LLP for the fiscal year 2012 submitted to the Town on April 13, 2012 be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

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

RELEASE EROSION CONTROL BOND #026-13  
IBM – KITCHAWAN ROAD  
RESOLUTION #504

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

WHEREAS, I.B.M. as applicant, posted Check No. 0004136145 in the amount of \$600.00 which was deposited into the T33 account on May 24, 2013, covering permit #026-13 for work performed at the Route 134 site, 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 \$600.00 for erosion may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the Erosion Control Bond in the amount of \$600.00 be and is hereby released to I.B.M. 1101 Kitchawan Road, Yorktown Heights, NY 10598, Attn: Nicolette Visalli or Frank Langone.

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

RELEASE EROSION CONTROL BOND #FSWPPP-T-014-12  
IBM – KITCHAWAN ROAD  
RESOLUTION #505

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

WHEREAS, IBM, as applicant, posted Check No. 0004094761 in the amount of \$3,500.00 which was deposited into the T33 Account on September 11, 2012, to serve as the Erosion Control Bond covering permit #FSWPPP-T-014-12, for work performed at their Kitchawan road location, 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 \$3,500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the Erosion Bond in the amount of \$3,500.00, be and is hereby released to IBM, 1101 Kitchawan Road, Route 134, Yorktown Heights, NY 10598, Attn: Mr. Dan Chess.

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

RELEASE EROSION CONTROL BOND #FSWPPP –WP-063-12  
IBM – KITCHAWAN ROAD  
RESOLUTION #506

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

WHEREAS, IBM, as applicant, posted Check No. 0004098811 in the amount of \$2,500.00 which was deposited into the T33 Account on October 12, 2012, to serve as the Erosion Control Bond covering permit #FSWPPP-WP-063-12, for work performed at their Kitchawan road location, 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 \$2,500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the Erosion Bond in the amount of \$2,500.00, be and is hereby released to IBM, 1101 Kitchawan Road, Route 134, Yorktown Heights, NY 10598, Attn: Mr. Dan Chess.

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

RELEASE EROSION CONTROL AND WETLANDS BOND #WP-BSWPPP-T-087-12  
TEATOWN LAKE RESERVATION, INC.  
RESOLUTION #507

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

WHEREAS, Teatown Lake Reservation Inc., as applicant, provided the Town with Check No. 0001887 in the amount of \$2,500.00 which was deposited into the T33 account on July 8, 2013 to serve as the Erosion Control Bond for work performed at the Spring Valley Road site, and

WHEREAS, Teatown Lake Reservation Inc., as applicant, provided the Town with Check No. 0001889 in the amount of \$1,500.00 which was deposited into the T33 account on July 8, 2013, to serve as the Wetland Bond, 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 \$2,500.00 for erosion control and the \$1,500.00 for wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies and is hereby released to Teatown Lake Reservation, 1600 Spring Valley Road, Ossining NY 10562

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

RELEASE EROSION CONTROL AND WETLANDS BOND #WP-E-038-08  
IBM – KITCHAWAN ROAD  
RESOLUTION #508

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

WHEREAS, I.B.M. as applicant, posted Check No. 3798569 in the amount of \$9,500.00, which was deposited into the T33 account on October 22, 2008, \$5,500 to serve as the Erosion Control Bond and \$4,000.00 to serve as the five-year Wetland Bond, for Town Board Wetland & Excavation Permit #WP-E-038-08, for work performed at the Kitchawan Road location, and

WHEREAS, the Town Board released the \$5,500 Erosion Control Bond at their meeting on February 2, 2010, and

WHEREAS, the applicant is now requesting that their five-year Wetland Bond in the amount of \$4,000.00 be released as the site is stable; 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 \$4,000.00 for wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$4,000.00 be and is hereby released to I.B.M. 1101 Kitchawan Road, Yorktown Heights, NY 10598, Attn: Mr. Daniel Chess, P.E.

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

RELEASE EROSION CONTROL AND WETLANDS BOND #WP-T-041-13  
FOREST WORKS, LLC – HILLTOP ROAD  
RESOLUTION #509

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

WHEREAS, Forest Works, LLC as applicant, posted check #1586 in the amount of \$1,500.00 which was deposited into the T33 Account on August 30, 2013, covering Wetland & Tree Permit #041-13 for work performed at the Hilltop Road site, 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 \$1,500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described bond be and is hereby released to Forest Works, LLC, P.O. Box 213, South Kent, CT 06785, Attn: Mr. Jamie Lintner.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

RELEASE EROSION CONTROL AND WETLANDS BOND #BSWPPP-009-11  
FREEDOM GARDENS – STRAWBERRY ROAD  
RESOLUTION #510

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

WHEREAS, Freedom Gardens for the Handicapped, as applicant, heretofore posted Check No. 3644 in the amount of \$2,000.00 to serve as the Erosion Control Bond, which was deposited into the T33 Account on April 29, 2011, covering Stormwater Permit #009-11, for work performed at their Strawberry Road location, 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 \$2,000.00 for erosion may be released, and

RESOLVED, that the above referenced bond be released to Freedom Gardens for the Handicapped, 1680 Strawberry Road, Mohegan Lake, NY 10547.

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

RELEASE EROSION CONTROL AND WETLANDS BOND #BSWPPP-058-13  
BAPTIST CHURCH ROAD  
RESOLUTION #511

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

WHEREAS, Steve Ianuzzi as applicant, posted \$1,000.00 (cash) which was deposited into the T33 Account on August 30, 2013, covering Stormwater Permit #058-13 for work performed at his Baptist Church 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 \$1,000.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$1,000.00, be and is hereby released to Mr. Steve Ianuzzi, 1189 Baptist Church Road, P.O. Box 4, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL AND WETLANDS BOND #BSWPPP-043-10  
IVY ROAD  
RESOLUTION #512

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

WHEREAS, Patricia Martucci as applicant, posted \$300.00, which was deposited into the T33 Account on November 5, 2010, covering Excavation Permit #043-10 for work performed at her Ivy 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 erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Ms. Patricia Martucci, 1438 Ivy Road, Mohegan Lake, NY 10547.

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

EXTEND BID FOR INFORMATIONAL TECHNOLOGY  
SULLIVAN DATA  
RESOLUTION #513

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

Whereas, the Town of Yorktown duly advertised Requests for Proposals for Information Technology Services, and

Whereas, on October 20, 2011, the only proposal received was opened, now,

Therefore be it resolved, that the bid for Informational Technology Services awarded to Sullivan Data be extended per the terms of the BID for two additional years: January 1, 2014 through December 31, 2015, at a annual cost of \$63,100.

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

AUTHORIZE TRANSFER  
D5130.403 TO D5130.425 – HIGHWAY DEPARTMENT  
RESOLUTION #514

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

Resolved, the Town Board approves the Comptroller to transfer \$8000.00 from Highway line D5130.403 to Highway line D5130.425

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

AUTHORIZE TRANSFER FROM GENERAL FUND TO YCCC BUILDING  
MAINTENANCE FOR VARIOUS PROJECTS AND ENGINEERING SPECIAL  
PROJECT LINE – GREENWOOD STREET PROJECT  
RESOLUTION #515

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

Be it resolved, that the following 2013 budget transfer is approved:

Transfer \$251,216.20 from the General Fund, Fund Balance:  
\$ 83,000.00 to the YCCC Building Maintenance (Generator) Line A1625.0416.3

and

\$168,216.20 to the Engineering Special Projects (Greenwood Street Culvert) Line A1440.0479.2

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

RELEASE ESCROW  
STREET OPENING PERMIT #012-009 – BROAD STREET  
RESOLUTION #516

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

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	012-009	\$2,000.00	2466 Broad St	Pizzella Bros., Inc. 7 Dogwood Road Cortlandt Manor, 10567

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

AUTHORIZE PAYMENT TO MAJOR ABSTRACT CORP.  
TITLE REPORTS  
RESOLUTION #517

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

RESOLVED, that the Town Board authorizes the payment of up to \$1625 to Major Abstract Corp., 1110 Route 55, Suite 205, LaGrangeville, NY 12540, for title reports prepared in connection with the potential disposition of certain in rem parcels.

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

AUTHORIZE 2013 BUDGET TRANSFER  
REPLACE POLICE DEPARTMENT COMPUTER AIDED DISPATCHER SERVER  
RESOLUTION #518

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

WHEREAS, the Police Department's Computer Aided Dispatcher Server has reached the end of its serviceability and must be replaced,

BE IT RESOLVED, that the Town Board approves the following 2013 budget transfers:

Transfer \$16,000.00 from A3120.0210 (Vehicles) into A3120.0201.0001 (Computer Equipment),

Transfer \$16,000.00 from A3120.0201 (Equipment) into A3120.0201.0001 (Computer Equipment),

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign a contract with IBM Authorized Agent: Vertical Var LLC dba SPS Var, LLC for the purchase of computer hardware, related computer software and insulation.

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

APPROVE HUDSON VALLEY HOSPITAL CENTER BANNERS  
ON VETERANS ROAD AND COMMERCE STREET FOR JANUARY 2014  
RESOLUTION #519

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

Resolved, that the Town Board approves the Hudson Valley Hospital Center's request to display a banner across Veteran's Road and display banners on light posts along Commerce Street for the month of January 2014.

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

APPROVE BUDGET TRANSFER  
WATER DEPARTMENT  
RESOLUTION #520

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

Be It Resolved, that the Town Board approves the transfer of \$9,000 from the Water Department Service by Others Line (SW 8310.495) to the Water Department Fuel Oil Line (SW8320.408) to cover heating oil purchases for the remainder of the 2013 heating season.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye

Resolution adopted.

ACCEPT MONTHLY REPORTS

- Receiver of Taxes
- Building Inspector
- Finance Department – Trial Balance

APPROVE MEMORANDUM OF AGREEMENT

CSEA LOCAL 1000 FOR JANUARY 2012 – DECEMBER 31, 2015  
RESOLUTION #521

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

BE IT SO RESOLVED, that the Town Board hereby approves the Memorandum of Agreement between the Town of Yorktown and the CSEA Local 1000, AFSCME, AFL-CIO, Town of Yorktown Unit, Westchester County Local 860, covering the period January 1, 2012-December 31, 2015 and authorizes the expenditure of funds consistent therewith; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a collective bargaining agreement covering the period from January 1, 2012 through December 31, 2015 that is consistent with the terms of the Memorandum of Agreement.

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

Supervisor Grace explained the Memorandum of Agreement with the CSEA. He stated that it was a well negotiated contract on both sides. Supervisor Grace also stated that we have an excellent workforce and they are doing a lot more with a lot less. He thanked everyone who participated in the contract negotiations.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mr. Jeff Econom stated that they have sent a letter to New York State DOT to purchase the State property located next to the winery.

ADJOURN

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

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown