

Regular meeting held by the Town Board,
Town of Yorktown on March 1, 2011 held at
Yorktown Town Hall, Yorktown Heights, NY.

Present: Susan Siegel, Supervisor
Nicholas Bianco, Councilman
James Martorano, Councilman
Terrence Murphy, Councilman
Vishnu Patel, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss litigation and personnel. Upon motion made by Councilman Martorano, seconded by Councilman Bianco, the Town Board moved into the Town Board meeting.

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Supervisor Siegel led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of Army Specialist David R. Fahey Jr., a Yorktown resident, who died in Afghanistan on February 28.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel stated that Bulk Trash Season is starting. The first pick up will begin on Monday, March 4, 2011. You can view the trash schedule online at www.yorktownny.org. New energy saving lighting has been replaced at the YCCC track. The Town will also be putting special controls on the Downing tennis courts so that the lights will not be on when no one is there. The Town received a letter of commendation for Police Officer Nordrawski who assisted with a car accident. The Town also received a commendation letter about the Nutrition Center. We would like to commend our employees for their service. March is Red Cross Month. Supervisor Siegel gave an update on foreclosures that the Town has been working on.

DURING REPORTS FROM TOWN COUNCIL, Councilman Patel thanked several Town Departments that have worked on indentifying these liens.

COURTESY OF THE FLOOR

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

Ms. Grace Siciliano stated that she came here to live because of the beautiful and peaceful place it is. She spoke against overdevelopment in the Town. Specifically, Cosco. She feels there are many alternatives for this location such as a senior center, multigenerational center, arts center, etc.

Highway Superintendent Eric DiBartolo stated that there are potholes throughout Town and please call the Highway Department to report them, 962-5781.

Mr. Alan Most stated that he sent a letter to Code Enforcement Officer Joe Hughes with regards to the Holland Sporting Club. The property has become a nuisance and the Town needs to address the issues there.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel stated that the Cosco issue is before the Planning Board not the Town Board. She suggested attending the Planning Board meetings. BJ's and anybody else can come and speak at a Town Board meeting. The problem is the Town does not own the property so the owner has the right to do what they want with the property. In regards to the pot holes, the Highway Department is doing the best they can. With regards to the Holland Sporting Club we have looked into many alternatives and none have panned out so far. They are an absolute nuisance and we will be discussing this issue further.

Councilman Murphy asked how we acquired the Holland Sporting Club property.

Mr. Alan Most stated that it was a complicated agreement that was made between the Town and the owners of the property. The Westchester Land Trust was also involved.

Councilman Murphy suggested contacting the Westchester Land Trust and asking them to help.

Councilman Patel stated that the property needs to be cleaned up.

The Town Board will place this issue on a future work session.

Councilman Martorano stated that there needs to be a balance when it comes to development in the Town. We should make sure it is done in a smart way and in an environmentally safe way. Thank you for coming and expressing your sentiment. Holland Sporting Club needs to be addressed.

Councilman Murphy stated that barriers were removed from the cul-de-sac for safety reasons. But we are trying to find solutions. He suggested contacting the Westchester Land Trust for assistance.

APPOINTMENT

MARK MICHAELS – ADVISORY COMMITTEE ON OPEN SPACE

RESOLUTION #90

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

BE IT RESOLVED, that Mark Michaels is hereby appointed as a member of the Open Space Committee for a 3 year term expiring 2/28/14.

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

APPOINTMENT

MICHAEL PICCIRILLO – ABACA

RESOLUTION #91

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

BE IT RESOLVED, that Michael Piccirillo is hereby appointed as a member of the Advisory Board on Architectural and Community Appearance for a 3 year term expiring 2/28/14.

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

RESIGNATION

JOHN GEMBECKI – CONSERVATION BOARD

The Town Board accepted with regret the resignation of John Gembecki as a member of the Conservation Board.

RESIGNATION

JAY KAPLAN – CONSERVATION BOARD

The Town Board accepted with regret the resignation of Jay Kaplan as a member of the Conservation Board.

PUBLIC HEARING

FUSCO MINOR SUBDIVISION – DRIVEWAY GRADE VARIANCE

Supervisor Siegel called to order a public hearing to the application of Nicholas & Laura Fusco for a variance for property located at 3477 Stony Street, Section 16.14, Block 1, Lot 10. The applicant is seeking a variance of the 10% limitation on driveway grades so as to enable the installation of a driveway, portions of which driveway are at a 14% grade. The Deputy Town Clerk presented affidavits of posting and publication.

Mr. Daniel Ciarcia, engineer for applicant explained that the Planning Board has requested that his client seek a variance of the 10% limitation on driveway grades so as to enable the installation of a driveway, portions of which driveway are at a 14% grade.

Councilman Martorano asked if the proposed 14 % grade would be less environmentally destructive than the 10% grade. Mr. Ciarcia stated yes.

No Public Comment.

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.

FUSCO MINOR SUBDIVISION – DRIVEWAY GRADE VARIANCE

RESOLUTION #92

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

WHEREAS, the Yorktown Planning Board currently is reviewing the application of the Fusco Subdivision (the “applicant”) for a minor subdivision involving property located at 3477 Stony Street, identified on the tax map of the Town of Yorktown as Section 16.14, Block 1, Lot 10; and

WHEREAS, the Applicant is seeking a variance of the 10% limitation on driveway grades so as to enable the installation of a driveway, portions of which driveway are at 14% grade; and

WHEREAS, the Yorktown Planning Board is the lead agency with respect to SEQR; and

WHEREAS, the conservation board has no objections to the 14% grade with the condition that the Stormwater Management Plan be referred to it once developed; and

WHEREAS, the Engineering Department has no objections to a variance to Chapter 255, Section 255-9 of the Code of the Town of Yorktown to enable the installation of a driveway with portions being at 14% grade; and

WHEREAS, the Planning Department has no objections to the driveway grade variance since it will minimize the excavation and grading that would be necessary to comply with the Town Code requirement of 10% and that this driveway would be in character with similarly steep driveways of neighboring homes; and

WHEREAS, a public hearing to consider this request was convened on the 1st day of March 2011 at 7:30 o'clock PM, during which public hearing the applicant presented information and arguments in favor of granting the requested variance and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express the views concerning the application, now therefore be it hereby

RESOLVED, that the request of the Yorktown Planning Board for permission to allow a variance from the requirements of Chapter 255, Section 255-9, to minimize land disturbance by means of increasing the allowable grade for private drives from a maximum of 10% to a maximum of 14% is granted.

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

SET PUBLIC HEARING
PROPOSED LOCAL LAW ESTABLISHING NO PARKING ON VETERANS ROAD
WHERE IT INTERSECTS WITH GREENWOOD STREET
RESOLUTION #93

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

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, Shrub Oak, New York on the 5th day of April, 2011 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 275 of the Code of the Town of Yorktown with regards to No Parking on a portion of Veterans Road where it intersects with Greenwood Street.

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

ADVERTISE BID ATHLETIC EQUIPMENT AND GAMES – PARKS DEPARTMENT
RESOLUTION #94

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, March 14, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for furnishing and delivering athletic and game equipment to the Yorktown Department of Parks & Recreation.

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

AWARD BID TITLE SEARCH – LEGAL DEPARTMENT
RESOLUTION #95

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

WHEREAS, invitation to bid for conducting title searches and producing title reports on parcels subject to delinquent tax liens, and

WHEREAS, two bids were received and opened on the 18th day of February, 2011.

Benchmark Title Company	\$175 per residential property
222 Bloomingdale Road	\$200 per commercial property
White Plains, New York 10605	

Cobblestone Abstract	\$275.00 per parcel
1929 Commerce Street	
Yorktown Heights, NY 10598	

RESOLVED, that upon the recommendation of the Town Attorney, the bid be and is hereby awarded to Benchmark Title Company, 222 Bloomingdale Road, White Plains, New York 10605.

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

AWARD REQUEST FOR PROPOSAL (RFP) OPERATION OF FOOD AND REFRESHMENT – YORKTOWN TOWN POOLS AT SHRUB OAK AND JUNIOR LAKE RESOLUTION #96

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

WHEREAS, invitation to bid for the Operation of Food and Refreshment Concession Yorktown Town Pools at Shrub Oak and Junior Lake as specified by the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on February 25, 2011, with the bid amounts for the above-referenced project summarized as follows;

Costa Foods Inc.	\$7,850.00
Westchester Food Service	\$6,400.00
O’Neill’s Concessions	\$5,502.00
Lakeside at Osceola, Inc.	\$5,500.00

WHEREAS, the Superintendent of Parks and Recreation recommends to the Town Board that the bid be awarded to Costa Foods, Inc. for the 2011 pool season

NOW, THEREFORE BE IT RESOLVED, that the bid to provide food and refreshment concession services at the Brian J Slavin Aquatic Center in Shrub Oak and the Junior Lake Pool in Yorktown Heights be awarded to Costa Foods Inc of 11 Lincoln Avenue, Rye Brook, NY 10573 for the amount of \$7,850.00 for the 2011 pool season.

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

APPROVE TAX CERTIORARI SETTLEMENT NATICK-BJ’S RESOLUTION #97

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 36.06, Block 2, Lot 75, located at 3315 Crompond Rd, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 36.06-2-75, Owned by Natick Yorktown Realty Corp., for assessment roll years 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

Year	AV		Reduction
	From	To	
2010	\$284,800	\$261,500	\$23,300
2009	\$284,800	\$255,200	\$29,600
2008	\$304,500	\$247,300	\$57,200
2007	\$304,500	\$232,000	\$72,500
2006	\$304,500	\$231,200	\$73,300
2005	\$304,500	\$255,300	\$49,200
2004	\$304,500	\$262,000	\$42,500
2003	\$304,500	\$269,400	\$35,100

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

APPROVE TAX CERTIORARI SETTLEMENT
MOUNT VERNON – TRAPROCK-VERIZON
RESOLUTION #98

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 35.08, Block 1, Lot 16, located at 3773 Crompond Rd, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 35.08-1-16, owned by Mount Vernon Trap Rock Corp., for assessment roll years 1996, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

<u>Roll</u> <u>Year</u>	<u>AV</u> <u>From</u>	<u>AV</u> <u>To</u>	<u>AV</u> <u>Reduction</u>
2010	\$156,750	\$54,800	\$101,950
2009	\$156,750	\$53,900	\$102,850
2008	\$156,750	\$51,500	\$105,250
2007	\$156,750	\$47,300	\$109,450
2006	\$156,750	\$46,200	\$110,550
2005	\$156,750	\$51,800	\$104,950
2004	\$156,750	\$55,400	\$101,350
2003	\$156,750	\$54,400	\$102,350
2002	\$156,750	\$57,000	\$99,750
2001	\$156,750	\$72,800	\$83,950
2000	\$156,750	\$73,300	\$83,450
			<u>\$81,550</u>
<u>1996</u>	<u>\$156,750</u>	<u>\$75,200</u>	

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

APPROVE TAX CERTIORARI SETTLEMENT
LAKE OSCEOLA REALTY CORP
RESOLUTION #99

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 17.05, Block 1, Lot 11 located at 550 East Main St., on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 17.05-1-11, owned by Lake Osceola Realty, for assessment roll years 2007, 2008, 2009 be settled as set forth in the proposed stipulation as follows:

<u>Roll</u> <u>Year</u>	<u>AV</u> <u>From</u>	<u>AV</u> <u>To</u>	<u>AV</u> <u>Reduction</u>
2009	\$18,850	\$8,900	\$9,950
2008	\$18,850	\$9,350	\$9,500
2007	\$18,850	\$8,750	\$10,100

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

ATTEND REQUIRED TRAINING – BUILDING DEPARTMENT
BUILDING INSPECTOR WILLIAM GREGORY, ASSISTANT BUILDING INSPECTOR
GLEN SNEYD AND BRAD GOODMAN
RESOLUTION #100

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

Resolved, that the Town Board approves the attendance of Building Inspector William Gregory to the Eastern States Building Officials and Hudson Valley Educational Conferences, and Asst. Building Inspectors Glen Sneyd and Brad Goodman to the Hudson Valley Educational Conference.

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

Supervisor Siegel stated that she voted against this because Mr. Gregory stated he was retiring in the second quarter.

Councilman Martorano stated that Mr. Gregory is a dedicated employee for 39 years. He feels that we should treat people with respect. This is required training.

Councilman Bianco agreed with Councilman Martorano.

Councilman Murphy stated that this money is in his budget and he should be attending these training sessions.

APPROVE PARTIAL REFUND OF BUILDING PERMIT FEE
MICHAEL LANZA
RESOLUTION #101

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

RESOLVED, that a refund in the amount of \$336.00 be given to Michael Lanzo, 3178 Wharton Drive, Yorktown Heights, NY 10598 representing a partial refund of a building permit fee.

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

DECLARE LEAD AGENCY
SHERMAN COURT BRIDGE CULVERT REPLACEMENT
RESOLUTION #102

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

WHEREAS, the Town of Yorktown is seeking to replace the structurally failed Sherman Court culvert; and

WHEREAS, Chas. H. Sells has completed the design and drawings for public bidding purposes, and

WHEREAS, the estimated cost of the project is approximately \$550,000, and

WHEREAS, the proposed construction will require ten temporary construction easements from ten adjoining properties; and

WHEREAS, there are Town regulated wetlands and associated buffers located on the site; and

WHEREAS, a Wetland Permit application in which plans have been provided to mitigate impacts to wetland and wetland buffer areas and a Stormwater Pollution Prevention Permit application to prevent erosion and sediment from the leaving the site and preventing the introduction of pollutants to the wetlands has been prepared; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF), dated February 28, 2011 and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act, the Town Board seeks to conduct an environmental review of the project; and

WHEREAS, jurisdictional permits and approvals for this project have been obtained from the New York State Department of Environmental Protection (NYSDEC), the Army Corps of Engineers (ACOE) and the New York State Department of Transportation (NYSDOT), and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); NOW, THEREFORE BE IT

RESOLVED, that the Town Board thereby adopts Lead Agency status and directs that the wetland permit application, plans and the short-form EAF be circulated for review and comment to remaining interested and involved agencies.

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

AUTHORIZE SUPERVISOR TO SIGN
SETTLEMENT AGREEMENT WITH LANDMARK INSURANCE CO. RELATING TO
THE WINERY
RESOLUTION #103

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

WHEREAS, the Town Board has determined that it is in the best interests of the Town to settle the litigation pending in State Supreme Court entitled Town of Yorktown, Nicholas Bianco, Louis Campisi, Linda Cooper, Bruce Barber, John Tegeder, and William D. Gregory v. Landmark American Insurance Company, Index No. 09-05436;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Supervisor is authorized and directed to sign a Release and Settlement Agreement in form and substance satisfactory to the Town Attorney.

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

AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENTS FOR TRAVEL AND
ADVENTURE CAMP DESTINATIONS FOR 2011 SUMMER SEASON
RESOLUTION #104

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

Resolved, that the Town Board of the Town of Yorktown authorizes the Supervisor to execute agreements for the purpose of Travel and Adventure Camp Destinations for the 2011 summer season;

Be It Further Resolved, that the total funds to be allocated for Summer Camp Trips shall not exceed \$48,000.00 and are to be taken from budget code A7310.448.

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

APPROVE REQUEST FOR SIX POLICE OFFICERS TO ATTEND STREET CRIMES SEMINAR AT A COST OF \$1,770.00
RESOLUTION #105

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

BE IT RESOLVED, that the Town Board hereby authorizes 6 police officers to attend the 'Street Crimes Seminar' sponsored by John E. Reid and Associated, Inc. on May 2-4, 2011 in New Rochelle, NY:

One Sergeant
Five Police Officers

Their attendance at this three day training will not create any overtime for the attendees nor create any overtime backfill for their absences.

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

APPROVE TRAINING ON HAPPY SOFTWARE FOR DIRECTOR OF SECTION 8 PROGRAM KARREN PEREZ AT NO COST TO THE TOWN
RESOLUTION #106

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

Resolved, that the Town Board approves Section 8 Program Director Karren Perez to attend Happy Software Training at no cost to the Town.

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

APPROVE COMMERCIAL GARBAGE LICENSE FOR KLEEN SWEEP CONTAINER SERVICES, INC.
RESOLUTION #107

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

RESOLVED, that Kleen Sweep Container Services, Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2011.

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

APPROVE 2011 YCCC LEASES FOR THE FOLLOWING TENANTS – KIDS TO KIDS INTERNATIONAL - PERMISSIVE REFERENDUM
RESOLUTION #108

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

WHEREAS, Kids to Kids International, Inc. ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE 2011 YCCC LEASES FOR THE FOLLOWING TENANTS – YORKTOWN
COMMUNITY HELP, INC. - PERMISSIVE REFERENDUM
RESOLUTION #109

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

WHEREAS, Yorktown Community Help, Inc. (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE 2011 YCCC LEASES FOR THE FOLLOWING TENANTS – GET FIT/KIDS
CORP - PERMISSIVE REFERENDUM
RESOLUTION #110

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

WHEREAS, Get Fit/Fit Kids Corp (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE 2011 YCCC LEASES FOR THE FOLLOWING TENANTS – WESTCHESTER
COMMUNITY OPPORTUNITY PROGRAM – PERMISSIVE REFERENDUM
RESOLUTION #111

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

WHEREAS, Westchester Community Opportunity Program, Inc. (Yorktown Head Start), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT (IMA)
JOINING THE EAST OF HUDSON COALITION TO FURTHER COMPLY WITH THE
TOWN'S MS4 (STORMWATER) PERMIT REQUIREMENTS
RESOLUTION #112

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

Resolved, that the Supervisor is authorized to sign an Intermunicipal Agreement joining the East of Hudson (EOH) Coalition which will include the following towns and villages located in the New York City Watershed east of the Hudson River: Bedford, Brewster, Carmel, Cortlandt, Kent, Lewisboro, Mt. Kisco, New Castle, North Castle, North Salem, Patterson, Pound Ridge, Putnam Valley, Somers, Southeast and Yorktown, and by the County of Putnam.

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

APPROVE CONTRACT FOR INSTALLATION OF CARPETING AND LIMOLEUM IN
ROOM 16 AT YCCC
RESOLUTION #113

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

Resolve, the Town Board approves the contract for the installation of carpeting and linoleum in Room 16 in the Yorktown Community and Cultural Center for \$4,250.00 with the following vendor:

Robert Hill, President
Art Linoleum & Carpet Inc.
701A North Bedford Road
Bedford Hills, NY 10507

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

AUTHORIZE SUPERVISOR TO ENTER INTO RENEWAL DATABASE AND
SOFTWARE MAINTENANCE AGREEMENTS - INDRA, INC. - WATER
DEPARTMENT GPS TRACKING AND ANNUAL DATABASE MAINTENANCE
RESOLUTION #114

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

Resolved, that the Town Board authorizes the Supervisor to enter into renewal database and software maintenance agreements with Indra, Inc., for Water District GPS Tracking and annual database maintenance in the amount of \$18,400 per year and software maintenance in the amount of \$450.00 per occurrence.

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

MONTHLY REPORTS

Receiver of Taxes – 4 Reports

COURTESY OF THE FLOOR

Mr. Ed Ciffone stated that he is an employee at the Court, and there is no Air Conditioning and this needs to be addressed. How much has been collected in back taxes. He feels that we should try to use local businesses when purchasing supplies.

Mr. Anthony Grasso asked about the Landmark Insurance settlement.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel stated that 28 people have paid their taxes this comes to a total of \$474,721.67. This total will fluctuate daily as people pay off their taxes. At the Court we are working on getting this done. With regards to Cartridge World, the Town does check prices and looks for the best deal. Landmarks Settlement, the Town's legal bills were \$306,781, because there were multiple attorneys and appeals. Landmarks settlement is \$129,500, which leaves a balance of approximately \$177,000. The Town had to hire outside counsel to challenge Landmarks which cost \$40,000.

Councilman Bianco stated that there was a principle involved here and the Town prevailed.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss litigation and personnel.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown