

Regular meeting held by the Town Board,  
Town of Yorktown on June 21, 2011 held at  
Woodlands Legacy Ball Fields, Strang Blvd and Wood Street, Yorktown Heights, NY 10598

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

Tardy: Terrence Murphy, Councilman

#### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Executive Session on advice of Special Counsel Daniel Pozin to discuss litigation.

#### AUTHORIZE THE LAW FIRM OF WORMSER, KIELY GALEF & JACOBS TO REQUEST CONFERENCE WITH SUPREME COURT OF THE STATE OF NEW YORK REGARDING COURT DECISION RESOLUTION #294

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

RESOLVED, that the Town Board authorizes the law firm of Wormser Kiely Galef and Jacobs to request a conference with the Supreme Court of the State of New York regarding the Court's February 27, 2010 decision in the Town of Yorktown and William Gregory against Thomas DeChairo and Old St. Georges', LLC and ATK Consulting, and be it

FURTHER RESOLVED, Wormser, Kiely Galef and Jacobs is to be paid at the municipal rate of \$240 per hour.

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

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 at the meeting.

#### PLEDGE OF ALLEGIANCE

Eagle Scout David Stavans 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.

#### WELCOME

Parks and Recreation Superintendent Jennifer Fava welcomed the members of the Town board to the Woodlands Legacy Ball Field, the Town's newest sports facility. It was built as part of the Westchester County Legacy Program; a joint venture between Westchester County and the Town of Yorktown at a cost of \$6 million. Yorktown's Outdoor Movie is scheduled to be shown on Thursday, July 14. This year's movie is "How to Train Your Dragon". Ms. Fava also stated that the Lions Summer Concerts at the Gazebo begin this Sunday, June 26<sup>th</sup> with a Tribute to Bruce Springsteen. The Town of Yorktown's Pools are open. Summer camps open next week. On July 7<sup>th</sup>, the Town of Yorktown will host its Annual Swim Olympics is July 7<sup>th</sup> at the Brian J. Slavin Aquatic Facility in Shrub Oak. A variety of sports camps begin in August. The Recreation Department is also selling discount tickets to many of the nearby amusement parks.

SUPERVISOR SIEGEL STATED THAT SHE DOES NOT HAVE A SUPERVISOR'S REPORT TO THE TOWN

DURING REPORTS FROM TOWN COUNCIL:

Councilman Nicholas Bianco thanked Parks and Recreation Superintendent Jennifer Fava and Highway Superintendent Eric DiBartolo for the work they did on the Woodlands Legacy Ball Field Project. He also stated that the neighborhood where he lives recently experienced three power outages within a short period of time. One of the outages occurred last Sunday on Father Day. We did not have any storms and now he and his neighbors want to know what the problem is. Councilman Bianco said that he has written a letter to the New York State Public Service Commission and the New York State Electric and Gas Company requesting answers.

Councilman Vishnu Patel congratulated Yorktown High School's Valedictorian Michelle Tomassi and Salutatorian Alex Trestyn. He also congratulated Lakeland High School's Valedictorian Leo Guttman and Salutatorian Harrison Kyle. Councilman Patel represented the Town Board at the DARE Graduation at St. Patrick's School. He also attended the Courts of Honor for Yorktown's two new Eagle Scouts David Stavan and David Kellerhan.

Eagle Scout David Stavan, a member of Troop 164 spoke about his Eagle Scout Project which was constructing a model train for children to ride at Reis Park.

Eagle Scout David Kellerhan spoke about his Eagle Scout Project which was constructing a walking trail with two bridges at Hilltop Hanover Farm for people to bird watch.

PRESENTATION BY SENIOR FUNDRAISING COMMITTEE

Mr. Richard DeSilva, Chairman of the Senior Fundraising Committee spoke on behalf of the group which included Mr. Gil Kaufman, Chairman of the Yorktown Senior Advisory Committee, Joe Visconti, President of the New Yorktown Chamber of Commerce and Mrs. Jennie Menton-Grasso, a member of the Yorktown Senior Advisory Committee. He stated that the reason for forming this committee was to help raise funds for the Town to help enrich the lives of seniors who go the Senior Center at the Yorktown Community and Cultural Center. As a result of their first fund raiser, Mr. DeSilva handed Supervisor Siegel a check in the amount of \$14,750 which they would like to see go to a reserve fund to pay for refurbishing the downstairs room.

Supervisor Siegel thanked the Committee for all of their hard work at raising this money.

Mr. Gil Kaufman, Chairman of the Yorktown Senior Advisory Committee also had good news for the Town Board. He thanked the Westchester County Parks Society for presenting the Senior Advisory Committee with its Ruth M. Lederer Fellowship Award. The award was for helping improve the quality of life for seniors in the Town of Yorktown through by adding a computer lab where seniors are can learn how to use a computer. In addition to the plaque which Mr. Kaufman says will hang on the wall in the computer lab, the Senior Advisory Committee also received a check for \$500 that will be used for supplies.

Supervisor Siegel provided the Town with an update on the bid to renovate a portion of the Yorktown Community and Cultural Center. Seven (7) bids were received ranging from \$329,000 to \$711,000. The Planning Director and the Architect are reviewing the bids. She also stated that a bidder has sent in a Notice of Protest regarding this bid that the Town Attorney will be looking into.

Councilman James Martorano reminded everyone that the Firemen's Parade is tomorrow night.

Councilman Patel also stated that he attended the celebration of the 100<sup>th</sup> Anniversary of IBM where scientists from around the world attended.

#### COURTESY OF THE FLOOR

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

Yorktown Highway Superintendent Eric DiBartolo spoke about the construction of the Woodlands Legacy Ball Field. He said it would not have been possible without the hard work and dedication of the employees of the Town of Yorktown. Mr. DiBartolo went on to say that Department Heads were involved in the process, but the bulk of the credit should be given to our employees.

Mr. Howard Frank, a 44 year resident of the Town and member of the United Taxpayers of Yorktown agreed with Mr. DiBartolo remarks about Legacy Ball Field. He said that he would like to see a plaque with the names of the employees erected at the ball field. Mr. Frank further stated that last year, the Town issued its Annual Water Quality Report. He said this report shows a record high, 30% of water purchased was unaccounted for. Mr. Frank stated that he was told that the Town of Yorktown would be requiring commercial buildings to install new water meters. He also stated that there were two water meters that service the Town of Cortlandt that are never checked. Mr. Frank further stated that even when it comes to the Water Plant, nobody knows how much water is lost internally.

Mr. Phillip Grimaldi, an Attorney representing Mr. Nicholas Witkovich stated two weeks ago, he was told that the Town of Yorktown would not appeal a Court Order vacating a decision by the Town of Yorktown's Zoning Board of Appeals. Now, he has learned that a scaled down version of the same structure is currently being considered by the Building Department. He asked the Town Board not to take any action on this application. Mr. Grimaldi further stated that he believes this property owner is attempting to undermine the court decision. He also asked that the Town provide his client with the information that he asked for in a Freedom of Information Request.

Mr. Witkovich asked each member of the Town Board to say if they agreed with what the Building Inspector did. He also wanted to know since he was told by a Town Board member that the Town Board could not tell the Building Inspector what to do, whether they agreed with that statement. Mr. Witkovich further stated that the height of his neighbor's property is constantly being changed by the addition of fill.

Mr. Anthony Grasso stated that he was very disturbed at the way the media handled the release of the Draft Audit Report. He stated that this Report should have never been released to the public. He wants to know who released this report, it had to be a member of the Town Board or the Town Clerk. You are the only ones who received the Report. As a former member of the Town Board the way this is supposed to work is that the Town is sent a draft of the report, the Town then can dispute any portion of the report. Once that information is received and gone over by representatives of the New York State Comptroller's Office, a Final Audit is released and made public. He believes that person or persons that leaked this report to the media, did it to embarrass people. Mr. Grasso ended by stating that he was shocked at the press for handling this situation the way they did.

#### COURTESY OF THE FLOOR – CLOSED

Supervisor Siegel responded to questions and comments made during Courtesy of the Floor as follows:

To Mr. Howard Frank:

She will be asking the Water Distribution Superintendent to give her a full report on the water loss. Last year, the Town of Yorktown spent \$24,000 on a leak detection system. The Town has done what it needed to do with the two meters servicing the Town of Cortlandt. The Town of Yorktown will be awarding a bid to replace approximately 2,500 water meters which are outdated.

To Mr. Grimaldi/Mr. Witkovich:

Anyone can fill out an application for a Building Permit. An order has given to Mr. Sabo, to take down the structure. He has filed an application for a new Building Permit. The Interim Building Inspector has given the Town Board information on how the accessory use statute in the Zoning Code must be addressed.

To Mr. Grasso:

Supervisor Siegel stated that she shares his concern. Her office was in the process of denying FOIL Requests for this report with an explanation of the process. The Town Board has referred the matter to the Ethics Board. We will be discussing our response to the Draft Audit later tonight.

Councilman Martorano responded to some of the comments and questions posed during Courtesy of the Floor as follows:

To Mr. Grasso:

The Councilman stated that he has called for an investigation.

To Howard Frank:

He is surprised with the amount of water unaccounted for. He will check into it.

Councilman Bianco responded to some of the comments and questions posed during Courtesy of the Floor as follows:

To Mr. Grimaldi/Witkovich:

As to Mr. Sabo's structure, I was the first one to say that the law needs to be changed. He will present his own amendment to the zoning code at the next work session.

To Mr. Grasso:

This is a shame. Releasing the Draft Audit was done to defame people. He too has called for an investigation.

ADVERTISE PUBLIC HEARING ON PROPOSED LOCAL LAW  
AMENDING VARIOUS SECTIONS OF CHAPTER 300-SECTION 161 LOT AND BULK  
STANDARDS  
RESOLUTION #295

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Sparkle Lake Park located at 176 Granite Springs Road, Yorktown Heights, NY 10598 on the 5<sup>th</sup> day of July, 2011 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending various provisions of Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" with respect to Article XVI entitled "Age-Oriented Geriatric Community."

SECTION I. Deleting the first paragraph of Section § 300-161. Lot and bulk standards and replacing it with the following:

The following standards are designed to promote a physical development of low structures (maximum of three floors) set in large open spaces with ample setbacks from adjacent property. The proposed Floor Area Ratio (FAR) is 0.21, which is suitable for a medium-density suburban area or location. The allowable density is related directly to the assumed mobility of the facility's residents, i.e., a lower density is prescribed for the residential care facility than for the nursing home. The proposed density for the congregate housing is similar to that of the Town's multifamily district (R-3). For a combined facility, the density shall be calculated on the basis of the requirements of each use.

SECTION II. Deleting Section § 300-161 (B) in its entirety and replacing it with the following:

B. Allowable maximum density. The following densities are permitted in areas where public water is available and where a waste disposal method other than public sewers is proposed.

SECTION III. Deleting Section § 300-161 (C) (2) in its entirety and replacing it with the following:

(2) Maximum building height: 42 feet.

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 may be heard at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING ON PROPOSED LOCAL LAW  
AMENDING CHAPTER 300 PERTAINING TO DEFINITIONS OF SIGNS AND  
REGULATION OF SIGNS IN THE TOWN OF YORKTOWN  
RESOLUTION #296

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Mohansic Golf Course Restaurant Terrace located at 1500 Baldwin Road, Yorktown Heights, NY 10598 on the 19<sup>th</sup> day of July, 2011 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending the Zoning Code of the Town of Yorktown, Chapter 300, Article II and Article XX, pertaining to definitions of signs, and regulation of signs in the Town of Yorktown.

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 may be heard at the public hearing to be held as aforesaid.

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

AWARD BID GENERATOR MAINTENANCE CONTRACT  
RESOLUTION #297

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

Whereas, Bids were received June 13, 2011 for the Preventative Maintenance Generator Systems, Project #11-02, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Cummins Power Systems	\$32,135.00
H.O. Penn Machinery Co., Inc.	\$26,745.00
GenServe, Inc.	\$17,680.00
Northeast Generator Co.	\$14,000.00
Peak Power Systems, Inc.	\$11,238.75

RESOLVED, that the bid for the Preventative Maintenance Generator Systems, be awarded to Peak Power Systems, the low bidder, at a cost of \$11,238.75.

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

AWARD BID  
SHERMAN COURT BRIDGE CULVERT REPLACEMENT PROJECT CAPITAL  
IMPROVEMENT PROJECT #11-01  
RESOLUTION #298

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

Whereas, Bids were received on June 20, 2011 for the Sherman Court Bridge Culvert Replacement, Capital Improvement Project #11-01, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Arold Construction	\$359,935.00
ConTech Construction	\$368,385.25
Paleen Construction	\$370,502.00
McNamee Construction	\$364,857.00
J. Squared Construction	\$399,000.00
PCI Industries Corp.	\$445,890.00
ELQ Industries	\$470,285.00
Yonkers Excavating Corp.	\$498,605.64
Cassidy Excavating	\$561,429.09
FCI/Fourmen	\$610,308.00
Hudson Valley Bridge	\$768,000.00

RESOLVED, that the bid for the Sherman Court Bridge Culvert Replacement, Capital Improvement Project #11-01, be awarded to Arold Construction, the low bidder, at a cost of \$359,935.00.

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

APROVE TAX CERTIORARI SETTLEMENT  
DOBBER REALTY INC., (YORKTOWN TIRE)  
RESOLUTION #299

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.18, Block 2, Lot 63, located at 1911 Commerce St, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.18-2-63, Account Number 3634500, owned by Dobber Realty Inc., for assessment roll years 2005, 2006, 2007, 2008 and 2009 be settled as set forth in the proposed stipulation as follows:

<u>Roll</u>	<u>AV</u>	<u>AV</u>	<u>AV</u>
<u>Year</u>	<u>FROM</u>	<u>TO</u>	<u>Reduction</u>
2009	\$19,500	\$14,850	\$4,650
2008	\$19,500	\$14,700	\$4,800
2007	\$25,650	\$13,800	\$11,850
2006	\$25,650	\$15,200	\$10,450
2005	\$25,650	\$17,250	\$8,400

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WSP SELLS FOR THE DESIGN OF THE LEXINGTON AVENUE CULVERT REPLACEMENT OVER HUNTERBROOK  
RESOLUTION #300

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

WHEREAS, the existing culvert located at Lexington Avenue over Hunter's Brook is failing and has lost pavement stability, and

WHEREAS, WSP Sells performed an inspection of the culvert immediately following the extreme wet weather event in March 2011 to identify and recommend an interim solution to the Town's Highway Department in order to keep the road operational until a permanent construction repair is made, and

WHEREAS WSP Sells has familiarity with the project which is in accordance with the Town of Yorktown's procurement policy, and

WHEREAS, WSP Sells proposes to perform the following necessary tasks for the replacement of the culvert: topographic survey and mapping, preliminary plans, hydraulic analysis, environmental screening/permitting with NYSDEC and NYCDEP, NYSDOT permitting, preparation of final construction design and documents and construction support services during construction, NOW THEREFORE, BE IT,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with WSP Sells for design & permitting services, for the Lexington Avenue Culvert Replacement over Hunters Brook, for a Lump Sum Cost of \$70,000.00.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH BIRDSALL SERVICES GROUP FOR THE HYDRAULIC & HYDROLOGIC ENGINEERING STUDY OF SPARKLE LAKE DAM  
RESOLUTION #301

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) regulations require the Town to comply with the Bureau of Flood Protection and Dam Safety Regulations for Class C (High Hazard) Dams, and

WHEREAS, the new regulations came into effect on August 19, 2010 which require an Annual Emergency Action Plan, Inspection and Maintenance Plan, and both a structural and hydraulic analyses all to be submitted to NYSDEC by August 19, 2011, and

WHEREAS, the Birdsall Services Group performed the annual inspection report last year to comply with the first year's requirements of the NYSDEC and has familiarity with the project which is in accordance with the Town of Yorktown's procurement policy, and

WHEREAS, the NYSDEC's comments on the 2010 submittal required additional information as part of the 2011 submittal including: field topographic and hydrographic survey; dam outlet structure investigation; hydraulic and hydrologic engineering study; dam break analysis and a structural analysis of the dam, NOW THEREFORE, BE IT,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Birdsall Services Group for dam safety analysis to comply with New York State Department of Environmental Conservation's regulations for a Class C High Hazard Dam for the Sparkle Lake Dam, in the amount of \$59,000.

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

RELEASE EROSION CONTROL BOND #WP-074-04  
RESOLUTION #302

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

WHEREAS, Antonio Moreira, as applicant, posted NGM Insurance Company Erosion Control Bond #S-265474, in the amount of \$1,000.00, to serve as the Erosion Control Bond for Wetland Permit #WP-074-04, for work performed at his Alden 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 \$1,000.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced Erosion Control Bond in the amount of \$1,000.00 be and is hereby released to Mr. Antonio Moreira, 369 Alden Road, Yorktown Heights, NY 10598.

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

RELEASE WETLANDS BOND #WP-035-10  
RESOLUTION #303

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

WHEREAS, Sanija Dedusevic, as applicant, heretofore filed a Wetland Bond in the amount of \$300.00, which was deposited into the T33 Account on September 30, 2010, covering Wetland Permit #035-10, for work performed at her Sheila Court 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 control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Ms. Sanija Dedusevic, 58 Sheila Court, Yorktown Heights, NY 10598.

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

APPROVE SEWER TRAINING OPERATOR TRAINING CLASS  
KYLE GULITZ – SEWER DEPARTMENT  
RESOLUTION #304

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

WHEREAS, the NYCDEP provides for training of wastewater personnel as part of the upgrade project and fully reimburses the Town of Yorktown for such expense, and

WHEREAS, the training includes for overnight stay and expenses, NOW, THEREFORE, BE IT

RESOLVED, that Kyle Gulitz of the Sewer Department is authorized to attend the SUNY Morrisville Environmental Training Center for the Basic Operation of Wastewater Treatment Plants for a total cost of \$1,200.

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

CLARIFY BID AWARDED TO METRO IMAGING SERVICES FOR MICROFICHE AND MICROFILM EQUIPMENT, MAINTENANCE AND SUPPLIES  
RESOLUTION #305

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

Whereas, by resolution dated April 5, 2011, the Town Board of the Town of Yorktown awarded the Microfilm and Microfiche Reader/Printer Maintenance bid to Metro Imaging Services, Inc., and

Whereas, said bid award did not specify the option chosen, and

Whereas, it was the Town's intent to choose annual maintenance agreements, now,

Therefore, Be It Resolved, the Microfilm and Microfiche Reader/Printer Maintenance bid award shall be modified to read:

The bid shall be awarded to Metro Imaging Services, Inc., on an annual maintenance agreement for all locations other than the Archival and Record Center, which shall be awarded at the hourly rate of \$145 plus a discount of 10% from list price for any necessary parts.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH BRIGHT BEGINNINGS FOR SPACE AT THE YORKTOWN COMMUNITY & CULTURAL CENTER (YCCC) BUILDING  
RESOLUTION #306

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

WHEREAS, Corporate Children's Center Consultants, Inc. d/b/a Bright Beginnings ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) as within the Yorktown Community & Cultural Center for use as a day care center from July 1, 2011 through December 31, 2011, and the Town of Yorktown wishes to lease such space to Tenant at a monthly rent of \$5,167.81, 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, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY IN THE AMOUNT OF \$231,208 FOR PERFORMING RENOVATIONS TO THE SENIOR CENTER AT THE YORKTOWN COMMUNITY & CULTURAL CENTER (YCCC)  
RESOLUTION #307

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

WHEREAS, the Town of Yorktown is a member of the Westchester County Urban County Consortium; and

WHEREAS, the Town Board authorized the submission of the CDBG applications by a resolution at its meeting held on May 20, 2008; and

WHEREAS, the Town submitted a CDBG application to Westchester County titled "The Senior Center Renovation Project," dated June 1, 2008; and

WHEREAS, Westchester County has awarded \$231,208.00 for renovation cost, using funds from CDBG funding year 2009 or earlier; therefore

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor of the Town of Yorktown to execute a contract with the County of Westchester in the amount of \$231,208.00 for the purpose of Renovations to the Senior Center at the Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY.

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

AUTHORIZE SUPERVISOR TO SIGN A SIX MONTH CONTRACT WITH SUNGARD PUBLIC SECTOR FOR MAINTENANCE AND SUPPORT SERVICES FOR THE POLICE DEPARTMENT'S PRODUCTIVITY SOFTWARE  
RESOLUTION #308

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with SunGard Public Sector, Inc. for a renewal maintenance contract and support services for the Yorktown Police Department's productivity software from August 1, 2011 January 30, 2012 at a cost of \$25,251.20

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH EMPIRE  
CONSULTING FOR DRUGS AND ALCOHOL TESTING  
RESOLUTION #309

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

BE IT RESOLVED, that the Town supervisor is hereby authorized to sign an agreement between the Town of Yorktown and Empire Consulting. LLC for drug and alcohol testing services in accordance with the fee schedule attached to the Agreement. The Agreement shall be effective retroactively from June 15, 2011 until June 14, 2012.

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

REFUND DUPLICATE TAXES  
RESOLUTION #310

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

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

Year and Tax	S-P-L	Account #	Refund Amount
2010 Sch 21	17.18-2-46	2683475	\$5,261.10
2010 Sch 22	27.11-1-1	3870500	\$3,591.39
2010 Sch 21	16.09-2-18	1070500	\$2,051.97
2010 Sch 22	36.05-2-61	3017500	\$2,294.88
2010 Sch 22	17.17-1-35	2060000	\$4,124.45
2010 Sch 21	16.15-1-15	1486000	\$3,410.58
2010 Sch 21	15.08-2-32	0101500	\$2,942.09
2010 Sch 21	17.13-2-2./203	2173500	\$ 131.18
2010 Sch 22	48.15-1-3	4451751	\$4,305.15
2010 Sch 21	15.20-1-26.27-2	0541604	\$ 599.66
2010 Sch 22	27.09-3-13	2417000	\$4,065.73
2010 Sch 21	15.20-1-26.64-2	0541678	\$ 435.69

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

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

MONTHLY REPORTS

Receiver of Taxes

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

Mr. Howard Frank stated that he was shocked to learn that the Town planned to spend \$59,000 to do test borings at the Sparkle Lake Dam. He suggested that the Town hire a construction consulting company to do the work. It would be less expensive. He further stated that another way to rectify the problem is by having an emergency overflow pipe.

Mr. Witkowich again asked the members of the Board to answer the question that he posed earlier this evening.

COURTESY OF THE FLOOR - CLOSED

Responding to Mr. Howard Frank, Acting Town Engineer Sharon Robinson stated that the agreement with Birdsall Services Group for work at the Sparkle Lake has nothing to do with test borings. New York State Department of Environmental Conservation regulations require the Town to comply with the Bureau of Flood Protection and Dam Safety Standards for a Class C Dam. She further explained that there were five different tasks associated with this agreement including a field topographic and hydrographic survey; dam outlet structure investigation and a structural analysis of the dam.

Supervisor Siegel responded to Mr. Frank

A Request for Proposals (RFP) for work on this dam was sent out last year. The Birdsall Group was awarded the initial contract, and has familiarity with this project. Our hope is that once this new work is completed, we will not have to proceed with additional work.

Supervisor Siegel responded to Mr. Witkovich:

We will begin to make modifications to the zoning code. The court decision came out at a time in which the Building Inspector William Gregory was retiring. In the meantime, our Interim Building Inspector has taken the initiative to give the Town Board suggestions on how to proceed with amendment to the law.

Councilman Murphy responded to Mr. Witkovich

He is in full agreement with Councilman Bianco. He has seen the structure. This was a problem caused by the Zoning Board of Appeals, not by this Town Board.

#### MONTHLY REPORTS

Receiver of Taxes

#### EXECUTIVE SESSION

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

#### ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown

Approved by the Town Board at its meeting held on July 5, 2011 with one correction made to Executive Session