

Regular meeting held by the Town Board,
Town of Yorktown on September 20, 2011 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

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

WORK SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to move into Work Session.

REQUEST FOR PROPOSAL (RFP) INFORMATION TECHNOLOGY SERVICES

The Town Board discussed the need to send out a Request for Proposal (RFP) for professional services with regard to Information Technology Services for the Town.

DRAFT SIDEWALK SNOW REMOVAL LEGISLATION

Director of Planning John Tegeder presented the Town Board with a draft sidewalk map of the Town. He stated that he separated the sidewalks by the criteria set by the Town Board and has established seven categories in analyzing each sidewalk. The seven categories are: Interconnectivity, Intra-connectivity, Land Use Type (Commercial or Residential), Sidewalks up to standards, Condition & Maintenance, Integration with future developments and who created the sidewalks. After reviewing the Sidewalk Snow Removal Legislation the Town Board decided to revise the current draft legislation and reach out to neighborhoods that will be affected by this legislation for their comments. The Town Board will review again at the September 27, 2011 Town Board Work Session.

DRAFT ACCESSORY STRUCTURE ZONING AMENDMENT

The Town Board reviewed the draft Accessory Structure Zoning Amendment. After discussion the Town Board decided to revise this legislation and discuss it again on the October 11, 2011 Town Board Work Session.

GUNDMAR ASSOCIATES LAND DONATION

The Town Board discussed a land donation request from Gundmar Associates. They decided to discuss this further at the September 27, 2011 Town Board work session.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss appointments to Emergency Management Plan review Committee and Highway Department Staffing. Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into 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

Deputy Town Clerk Diana L. Quast led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Siegel made several announcements:

There will be an event called "To Write Love on Her Arms Event with Young Yorktown Advocates United at the Devito Field on September 24, 2011 from 12 p.m. to 4 p.m.

On Sunday, October 2, 2011, the 17th Annual Support -A-Walk will take place at FDR Park, this walk is held to raise funds for breast and ovarian awareness.

Supervisor Siegel showed pictures of senior vans that have been vandalized, she asked anyone who sees any vandalism to report it to the Police.

Supervisor Siegel stated that she is working on an updated list for neighborhood associations.

Beginning on September 28, 2011, the Town Board meeting room will be under construction. Funding for this is through peg money. The ceiling will be replaced and new lighting will be installed.

The next Town Board meeting scheduled for October 4, 2011 will be held at the John C. Hart Memorial Library.

Supervisor Siegel stated that the 911 Memorial in Mohegan Lake is finished and is a place for reflection, she recommended that everyone take a look at it.

Supervisor Siegel announced that the new Emergency Notification System is in place.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that FEMA is in town and you can call them at 1-800-621-3362 and report any damage that occurred during Hurricane Irene.

Councilman Martorano stated that there were many very moving 911 ceremonies in community and reminds us of what's important.

Councilman Murphy reminded everyone of the "To Write Love on Her Arms Event with Young Yorktown Advocates United at the Devito Field on September 24, 2011, from 12 p.m. to 4 p.m.

Councilman Murphy stated that there was vandalism done to Underhill Plaza and asked anyone seeing this to report it to the Police Department.

Councilman Murphy thanked Martin McGannon for replacing the flags at Town Hall.

Councilman Patel thanked everyone who attended the Grange Fair, it was a success. All of the 911 ceremonies were spectacular and he thanked the Leo's for all their help.

Supervisor Siegel spoke about the 2% Tax Cap and how it may affect the Supervisor's Budget that is due on October 31, 2011.

APPROVE MINUTES FROM SEPTEMBER 6, 2011 RESOLUTION #448

Upon Motion by Supervisor Siegel, Seconded by Councilman Bianco,

Resolved, that the Town Board Meeting Resolutions for September 6, 2011 are approved by the Town Board.

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

COURTESY OF THE FLOOR

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

Ms. Carol Jamoca asked Councilman Bianco why he did not response to her email. She stated that in April and June she called the Highway Department about an issue with the

top of her driveway which is having a drainage issue caused by the paving that was done on Quilan Street. She asked why no other Board member besides Councilman Patel came out to look at her property. Councilman Bianco stated that he did not receive her email. She stated that the Highway Department came and fixed the top of her driveway about three weeks ago and now she has another issue. Councilman Martorano and Murphy stated that they also did not receive her email.

Mr. DiTomasso spoke about his senior forum program and the need to coordinate a plan of action to minimize storm threats. He stated that Supervisor Siegel stated that the 2% Tax Cap will hurt people. He asked if it is wrong to assume the vandalism that took place is from kids, then why is it wrong for us to assume that the allegations made in the audit are true.

Mr. Witkowich spoke about the Proposed Local Law on Accessory Structures. He asked if the proposed accessory building law addresses heights and sizes of accessory structures and has the town reviewed other town's accessory structure laws.

Ms. Carol Jamoca stated that she is putting the Town Board on notice that there is a tree hanging over her house and she believes that it is on town property. If it falls it will hit her house and cause a lot of damage.

Mr. Howard Frank spoke about several issues he has with the Installation of Water Meters Bid. He feels that it should include a Licensed Plumber to do installations and labor costs should be included in bid.

Mr. Steve Gardner spoke about some equipment that was auctioned off. He also stated that there were comments made about him owing a large amount of back taxes and he would like to clarify that it is approximately \$9,000 and he is currently in an installment plan with the town. He also spoke about test reports from NYSDEC regarding unanswered questions as to what happen at the oil spill clean up at the Water Department site.

Mr. William LaPierre stated that he has the NYSDEC report regarding the oil spill and that the reports are different, the one that is on file with the town is nine pages long and the one from the State has 121 pages and it shows different maps. He believes that core samples were never sent to lab and that ground samples came back not-detected on all of them. He believes there are criminal issues here and the Town should look into it.

Mr. Thomas Paige requested a reduction in a Building Permit Fee that he applied for which expired.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded too many of the concerns raised tonight including the following:

In regards to Ms. Jamoca, she suggested speaking to the Highway Department and she hopes they will address her issue.

In regards to Mr. DiTomasso, there was pre-planning with the fire departments, Police Chief, etc. before Hurricane Irene hit.

With regards to the Tax Cap Levy, the Town Board can pass legislation to exceed the tax Cap Levy and the Town Board will be meeting with department heads on November 10 and 11, 2011 to discuss their proposed budgets.

With regards to the proposed accessory building law, the Town Board will review draft language at the October 11, 2011 Town Board Work Session.

With regards to the auction and Legacy equipment, all of the paperwork presented to Auction International was acceptable to them.

With regards to the oil spill, thank you for the information we will look into it.

Regarding the Building Permit fee reduction, the town will look into this specific issue.

Supervisor Siegel asked Water Distribution Superintendent David Rambo to speak about the installation of water meters. Mr. Rambo stated that there is no need to hire a licensed plumber, the company he interviewed is highly experienced and there will be a foreman on staff. He went on to answer other questions that were raised.

Councilman Bianco stated that his phone was out for a week with the storm but was in constant communications during the storm. He feels the town was prepared. He agrees with Mr. Witkovich on the accessory law. He suggested that if anyone has information on criminal activity, it should be given to the Town Attorney and the Town Board will forward it to the appropriate authorities. He suggested Mr. Paige speak with the Building Inspector and work with him on the building permit reduction issue.

Councilman Martorano stated that he did not receive Ms. Jamoca's email. He feels the town was prepared for the storm and he met with many of the emergency organizations prior to the storm, he stated that the utility companies dropped the ball during the storm and that is why he and Councilman Bianco called for an investigation.

With regards to Mr. LaPierre, you have stated serious implications and we take them seriously.

Councilman Martorano spoke about expiring building permits and how they have been misused over the years by developers. He will work with Mr. Paige and come up with a solution.

Councilman Murphy stated that Ms. Jamoca, I did not receive your email but will be looking into it. Mr. Witkovich, we are in agreement on this and have been from the beginning. Mr. LaPierre any thing that comes in regarding criminal activity will be referred out to the appropriate agencies.

Councilman Patel stated that whoever gets the Information Technology Bid must secure informational system. Supervisor Siegel stated that it comes with privacy measures.

The Town Board offered their heartfelt condolences to Westchester County Legislator Michael Kaplowitz on the passing of his father.

DURING REPORTS FROM WESTCHESTER COUNTY

Westchester County Legislator Michael Kaplowitz stated that it has been a biblical month with hurricanes, earthquakes and the sudden passing of his father. He stated that we should learn from the after effects of Hurricane Irene and prioritize what we can do better. He noted six areas that should be concentrated on: Making a priority list of town areas that indicate where disabled people and seniors live. He stated that NYSEG needs to have an incident commander that the town can deal directly with. More water and dry ice is needed. He thanked the Red Cross for responding to Beaver Ridge Apartments.

He feels that the people at Beaver Ridge fell through the cracks, we should have been helping them, it may not be a legal responsibility but it is a morale one. He further stated that the Public Service Commission should be investigating the utility companies. FEMA is giving out some grant money to help people who lost major appliances during the storm. Contact them at 1-877-697-6278.

County Legislator Kaplowitz stated that he feels a better job concerning health and safety could have been done. He met with residents at Beaver Ridge who were in the dark for days and have no evacuation plan. He stated that the fact that no one got hurt is a miracle.

County Legislator Kaplowitz thanked Mr. Preston Turco and Mr. Don Peters for donating food to Beaver Ridge and the Red Cross for bringing food packages to them.

CONVENE PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 300 OF THE ZONING CODE WITH RESPECT TO ARTICLE IV ENTITLED GENERAL REGULATIONS, "PERTAINING TO FENCE HEIGHTS"

Supervisor Siegel convened a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" with respect to Article IV entitled "General Regulations," pertaining to fence heights. The Town Clerk presented affidavits of posting and publication.

Mr. Albert Capellini, Esq. stated that there is no problem with placing a fence on top of a wall. The real problem is that if you have a retaining wall distant from the fence, the height of the retaining wall and the height of the fence are regulated by the Town Code which can cause an issue. Retaining walls with fences are used to protect people from falling. This will cause more problems and the need for more variances.

Mr. Todd Cesar stated that just because a fence is stone it is still essentially a fence. He would like the maximum height to stay the same at 4 ½ feet.

Mr. Howard Frank stated that over the years the Planning Board has done all kinds of site plans and have addressed stone walls. He feels it is a perfect example of spot zoning. He provided the Town Board with several pictures of fences in town that exceed the fence regulations. He feels there is not enough enforcement on this issue.

Mr. Dan Ciarcia stated that there will be unattended complications from this proposed local law. Most of the issues with retaining walls go before the Planning Board. He feels that the Planning Board should use their discretion when reviewing site plans. He thinks that this is more of a Land Use issue than a Zoning Code issue.

Mr. Michael Grace stated that if you read your law it actually creates a step back for the fence that would be over the retaining wall. He stated that you are creating a horizontal distance that the fence has to be set back from a retaining wall so you don't have this edifice. The problem you will have is if the retaining wall is the downhill owner's property and the uphill property owner has to step their fence back. They will then have to make a choice to lose some of the use of their property and/or providing for the safety of the residents of their household. He feels that you can look at the definition of fences and include it to say any type of hybrid material. He feels you should eliminate retaining walls completely.

Mr. Todd Cesar asked if the way that the Zoning Code stands now, does a free standing stone wall count as a fence.

Councilman Bianco stated that not now but if we pass this law it will.

Supervisor Siegel recommended closing the Public Hearing and have a new hearing with a revised law.

Councilman Bianco stated that according to the Town Attorney there is a law that says you can't put a fence on a rock wall.

Town Attorney stated that she would have to defer that question to the Building Inspector. It may be that the Zoning Board's interpretation could be controversial because the law is not explicit.

Mr. Al Capellini stated that the Zoning Board took the view that if you have a stone wall that is four feet high and you wish to put on top of it a wooden fence of two or three feet then you are violating the four and a half foot fence height requirement.

Mr. Howard Frank stated that part of the problem is that recent surveys are not required and should be.

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

Siegel, Bianco, Murphy, Patel Voting Aye
Public Hearing adjourned.

Councilman Martorano was out of the room for this vote.

CONVENE PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 205 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “NOTIFICATION OF PROPOSED LAND USE ACTIVITY OR REGULATION WITH REGARD TO THE HEIGHT OF THE NOTIFICATION SIGNS

Supervisor Siegel convened a public hearing to consider amending Chapter 205 of the Code of the Town of Yorktown entitled “NOTIFICATION OF PROPOSED LAND USE ACTIVITY OR REGULATION” with regard to the height of notification signs. The Town Clerk presented affidavits of posting and publication.

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.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Public Hearing closed.

LOCAL LAW #13 OF 2011 AMENDING CHAPTER 205 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “NOTIFICATION OF PROPOSED LAND USE ACTIVITY OR REGULATION WITH REGARD TO THE HEIGHT OF NOTIFICATION SIGNS RESOLUTION #449

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

WHEREAS, a public hearing was held on September 20, 2011 pursuant to notice duly published as required by law to amend Chapter 205 of the Code of the Town of Yorktown entitled “NOTIFICATION OF PROPOSED LAND USE ACTIVITY OR REGULATION” with regard to the height of notification signs. Now therefore be it

RESOLVED that Local Law #13/2011, as annexed hereto, be and is hereby adopted.

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

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

Local Law #13/2011 was thereupon declared adopted.

CONVENE PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 275 CREATING A PARK ZONE AND ADDING A STOP SIGN AT STRANG BLVD AND WOODLANDS DRIVE (LEGACY BALLFIELDS)

Supervisor Siegel convened a public hearing for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” to add restrictions on Strang Boulevard, Woodlands Drive and Legacy Ballfields. The Town Clerk presented affidavits of posting and publication.

Councilman Murphy stated that he is in favor of this law because it is a safety issue. But he would like to know if anyone talked to the Hunterbrook Condo owners.

Mr. Nick DiTomasso stated that you will have many issues at legacy fields, safety, fights, etc.

Mr. Fred Gulitz asked if there is a turn lane where you make the left into Legacy Field from Strang.

Supervisor Siegel stated that there is no turn lane and we can not fit one there but it was a good suggestion.

Mr. Ed Ciffone suggested speed bumps rather than stop signs.

Councilman Martorano would like to hear from the residents of the Hunterbrook Condos before the Town Board makes a decision on this proposed local law.

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

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye
Public Hearing adjourned.

APPROVE AUCTION RESULTS FROM ONLINE AUCTION OF EIGHTEEN (18)
VEHICLES AND EQUIPMENT
RESOLUTION #450

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

WHEREAS, on June 15, 2011 the Town Board authorized the Supervisor to sign a contract with Auctions International, Inc. to sell surplus Town vehicles and equipment using an online auction; and

WHEREAS, the Water Department, Parks and Recreation Department and Highway Department identified eighteen vehicles and pieces of equipment that were surplus, as they are no longer needed by that department or any other department of the Town; and

WHEREAS, pursuant to the Town Board's resolution of June 15, 2011, the town requested Auctions International to auction those items; and

WHEREAS on August 24, 2011 Auctions International commenced an online auction to sell the 18 items of surplus vehicles and equipment; and

WHEREAS, the auction ended on September 19, 2011 bids were received for all 18 items, and the highest price bid for each item is acceptable to the respective Department head and the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board accepts the following highest bids for each item as set forth below:

<u>Veh. ID #</u>	<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Highest Bid</u>	<u>Department/Fund</u>
1	Chevy S10	Pickup	1998	\$1,125.00	Water
2	Ford F350	Utility	1999	\$5,100.00	Parks
18	Ford F350	Utility	2001	\$6,500.00	Parks
15	Komatsu	Bulldozer	n/a	\$13,600.00	Trust & Agency
16	Bomag	Roller	1978	\$6,120.00	Trust & Agency
17	Kobelco	Excavator	2001	\$27,000.00	Trust & Agency
3	Ford	Crown Vic	1997	\$560.00	Building
4	Ford	Crown Vic	1996	\$396.00	Nutrition
5	Mack	Dump Truck	1989	\$4,319.00	DEC
6	Mack	Dump Truck	1995	\$20,000.00	DEC
7	Ford	Crowne Vic	2000	\$444.00	Police
8	Ford	Crowne Vic	2001	\$898.00	Police
9	Ford	Crowne Vic	1998	\$416.00	Police
10	Ford	Crowne Vic K-9	2001	\$861.00	Police
11	Ford	Explorer	1994	\$616.00	Police

12	Ford	Crowne Vic	1998	\$468.00	Police
13	Ford	Taurus	1998	\$320.00	Police
14	Nissan	Maxima	1996	\$790.00	Police

Total \$89,533.00

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

REFERRAL

AMENDED SITE PLAN FOR SANCTUARY GOLF COURSE

RESOLUTION #451

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

RESOLVED, that the request from Sanctuary Golf Course to amend the approval plan for the renovation of the golf course, specifically in the area of the proposed tennis courts is hereby referred to the appropriate agencies for review and recommendation.

BE IT FURTHER RESOLVED, that the Town Board would like your comments/recommendations by October 17, 2011, and

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

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

ADVERTISE BID

24 CHANNEL VOICE RECORDING DEVICE – POLICE DEPARTMENT

RESOLUTION #452

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York until 11:00 o'clock AM on the 14th day of October, 2011 for furnishing and delivering a 24 Channel Voice Recording Device for use by the Police Department of the Town of Yorktown.

Specifications may be obtained at the office of the Town Clerk in the 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 place specified above.

The Town Board of the Town of Yorktown along with the other communities reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the said Towns.

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

ADVERTISE BID

SLUDGE & GREASE REMOVAL AT THE YORKTOWN HEIGHTS SEWAGE

TREATMENT PLANT – BID #11-03

RESOLUTION #453

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

Sealed proposals will be received by the **Town Clerk** of the Town of Yorktown, Westchester County, **New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Tuesday, October 11, 2011, for Sludge & Grease Removal at the Yorktown Heights Sewage Treatment Plant, Bid #11-03.**

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of 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 bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

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

ADVERTISE BID
VARIOUS CHEMICALS FOR THE YORKTOWN HEIGHTS SEWAGE TREATMENT
PLANT – BID #11-04
RESOLUTION #454

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

Sealed proposals will be received by the **Town Clerk** of the Town of Yorktown, Westchester County, **New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Tuesday, October 11, 2011, for Various Chemicals for the Yorktown Heights Sewage Treatment Plant, Bid #11-04.**

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of 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 bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

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

ADVERTISE BID
AUTOMOTIVE FLUIDS – CENTRAL GARAGE
RESOLUTION #456

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

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 Friday, October 14, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Automotive Fluids.

All bids must be accompanied by an executed non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

The bidder assumes the risk of any delay in the mail or in the handling of 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 bids in at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town of Yorktown.

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

REQUEST FOR PROPOSAL (RFP)
INFORMATION TECHNOLOGY
RESOLUTION #457

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

Notice is Hereby Given, that the Town of Yorktown is seeking proposals from qualified vendors to provide Information Technology services to support and maintain the Town's IT systems, meeting the current and projected needs of the locations and departments as outlined in the Request for Proposal.

Proposals may be obtained at the Office of the Town Clerk during normal business hours. All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY, no later than 2:00 pm on October 20, 2011.

The Town Board reserves the right to reject any or all proposals and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

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

CROTON OVERLOOK
ACKNOWLEDGE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

Supervisor Siegel acknowledged the receipt of the Final Environmental Impact Statement (FEIS) for Croton Overlook.

TAX CERTIORARI SETTLEMENT FOR TRUMP PARK
RESOLUTION #458

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

WHEREAS, tax certiorari proceedings were instituted by Yorktown Realty Association, LLC, challenging the aggregate assessment for parcels Section 5.19, Block 1, Lots 14.-101 thru 14.-610, totaling 141 individual units, located at 3770 Barger street, also known as Trump Park Residences Condominiums, on the Tax Map of the Town of Yorktown, and

WHEREAS, the 141 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Yorktown Realty Association, LLC, as stated above, for assessment roll years 2007, 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>Proposed Reduction</u>
2011	\$575,850	\$500,000	\$75,850
2010	\$575,850	\$575,850	\$0
2009	\$575,850	\$575,850	\$0
2008	\$619,900	\$460,000	\$159,900
2007	\$539,450	\$340,000	\$199,450

Approved by the Town Board upon condition that all taxes are paid.

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

TAX CERTIORARI SETTLEMENT FOR CANTERBURY CROSSING
 RESOLUTION #459

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

WHEREAS, tax certiorari proceedings were instituted by Canterbury Crossing Condominiums, challenging the aggregate assessment for parcels Section 16.15, Block 1, Lots 2.-2100 thru 2.2-99, totaling 106 individual units, located off Route 132, on the Tax Map of the Town of Yorktown, and

WHEREAS, the 106 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Canterbury Crossing Condominiums, as stated above, for assessment roll years 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

Roll Year	AV From	AV To	Proposed Reduction
2010	\$468,200	\$416,000	\$52,200
2009	\$468,200	\$385,000	\$83,200
2008	\$468,200	\$380,000	\$88,200
2007	\$468,200	\$375,000	\$93,200
2006	\$468,200	\$375,000	\$93,200
2005	\$468,200	\$380,000	\$88,200

Approved by the Town Board upon condition that all taxes are paid.

Siegel, Bianco, Murphy, Patel Voting AYE
 Martorano Voting ABSTAIN
 Resolution adopted.

Councilman Martorano explained that he abstained from this vote because he lives in Canterbury Crossing.

AMEND TAX CERTIORARI SETTLEMENT FOR JEFFERSON VILLAGE CONDO III
 RESOLUTION #460 *****

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

This resolution supersedes resolution #431 of 2011:

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village III Condominiums, challenging the aggregate assessment for parcels Section 17.09, Block 1, Lots 69.-217 thru 69.343, totaling 127 individual units, located in the Jefferson Village Condominium Complex, on the Tax Map of the Town of Yorktown, and

WHEREAS, the 127 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village III Condominiums, as stated above, for assessment roll years 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

Roll Year	AV From	AV To	Proposed Reduction
2010	\$413,600	\$341,137	\$72,463
2009	\$413,600	\$325,586	\$88,014
2008	\$413,600	\$327,571	\$86,029
2007	\$413,600	\$307,305	\$106,295
2006	\$413,600	\$315,535	\$98,065

2005	\$413,600	\$356,937	\$56,663
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Approved by the Town Board upon condition that all taxes are paid.

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

APPROVE CHANGE ORDER FOR AUDIO VISUAL EQUIPMENT BID
RESOLUTION #461

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

Resolved, that Resolution 343 of 2011, approved July 12, 2011, awarding a bid to Technisphere Corporation for the purchase and installation of audio visual equipment in the Town Board meeting room is hereby amended to reflect the substitution of equipment as described in the attached document, for an additional cost of \$762, and approve change order #1 to include the purchase of an equipment rack and production console, as described in the attached document, in the amount of \$5,327.00.

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

APPROVE EXTENSION OF CONTRACT FOR CARY VIGILANTE FOR CABLE
BROADCASTING SERVICES FOR THREE MONTHS
RESOLUTION #462

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

Resolved, that the Supervisor is authorized to sign an extension of the existing agreement with Cary Vigilante to provide cable broadcasting services for three months, from Oct 1, 2011 thru December 31, 2011, at a cost of \$500 per month.

Bianco, Martorano, Murphy, Patel Voting AYE
Siegel Voting NAY
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN LEASE AMENDMENT FOR HEAD START AT
THE YORKTOWN COMMUNITY CULTURAL CENTER (YCCC)
RESOLUTION #463

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

WHEREAS, Westchester Community Opportunity Program, Inc. (Yorktown Head Start), entered into a lease dated January 1, 2011 (the "Lease"), with the Town of Yorktown for occupancy of certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of the Lease, and

WHEREAS, Yorktown Head Start has requested to use additional space; 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;

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, that the Town Supervisor is hereby authorized to sign a First Amendment to the Lease, providing for the non-exclusive use of Community Room #2 (also called Room 223) at the YCCC at Head Start at the rate of \$367.65/month. The Amendment shall be retroactive to September 1, 2011. All other terms of the Lease, as amended, shall remain unchanged.

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 Journal 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 FEDERAL EXCESS PROPERTY AGREEMENT
RESOLUTION #464

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

RESOLVED, that the Town Supervisor and Chief Daniel McMahon are hereby authorized to sign a Memorandum of Agreement with the New York State Department of Defense Federal Excess Property Program, which makes excess federal law enforcement property available to local law enforcement agencies without charge. No payment is required by the Town.

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

CONFIRM ALL PUBLIC HEARINGS FOR OCTOBER 4, 2011 TO BE HELD AT THE
JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #465

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

Resolved, that the Town Board confirms all public hearings scheduled for October 4, 2011 shall be held at the John C. Hart Memorial Library as advertised in Notices of Public Hearing.

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

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #466

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:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund Amount</u>
2010 Sch 22	48.11-1-16	4452071	\$4,508.44
2011 Town/Cty	16.10-4-17	1251000	\$1,762.14

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 – August Reports

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

Mr. Howard Frank with regards to the Building Department monthly reports, he would like the building permit reports read out at the Town Board meetings.

Mr. Nick DiTomasso stated that he would like a public hearing on the audit.

Mr. Brian Amico stated that he would like to get on a board meeting to discuss his plan to open a recycling facility in town.

Mr. Steve Gardner stated that he supports a public hearing to address concerns in the audit. He further stated that he has seen more accomplished with this Town Board in the last two years than he has seen in many years prior.

Mr. Fred Gulitz stated that at an earlier Town Board meeting he along with others requested that the Town Board hold an open forum with the public to discuss the findings and concerns that we have. Mr. Gulitz asked that anyone with information that they would like to share with him, please contact him.

Mr. Ed Ciffone spoke about his mother in-law who just turned 100 years old. He asked if the Yorktown Fire District turns into the town a yearly finance audit which is required by law. He feels that if the taxpayers voted down a referendum three times to build a fire house on Route 134, it should not be done and the tax dollars given back to the taxpayer.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to many of the concerns raised tonight including the following:

Mr. Howard you raised a very important point and we should be letting people know what is going on with the building permit reports.

Mr. DiTomasso the audit speaks for itself and the comments from the different officials are and the auditors' comments are included in that audit for everyone to read. Supervisor Siegel stated that 80 percent of the recommendations in the audit have already been addressed and an action plan for the rest will be submitted to the State soon. To have a public hearing alleging criminal behavior is not the proper forum and the path you are on which is going to the proper authorities is the correct action.

Mr. Amico we will get you on the October 11, 2011 Town Board work session to discuss your proposal.

Mr. Ciffone all Fire Districts are audited by the State every year.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown

***** Amended 3/20/12