

Regular meeting held by the Town Board,  
Town of Yorktown on November 15, 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

#### 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 Scouts Nikhil Jani and Frederick Compton, III 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 stated that it was with regret that the Town accepts the resignation of Town Assessor Harold Girdlestone.

Sole Assessor Harold Girdlestone thanked the Town Board for the opportunity to serve the Town of Yorktown and will assist with a smooth transition to the new assessor.

Supervisor Siegel made several announcements:

She announced that there are openings on several of the volunteer boards such as the Library Board, Advisory Committee on Open Space, Landmarks Preservation Committee and the Ethics Board, if interested you can contact the Supervisor's Office. She further stated that there is a job opening with the East of Hudson Watershed Corporation and they are looking for a program director.

She reminded people to visit the Town of Yorktown website at [www.yorktownny.org](http://www.yorktownny.org) it has a wealth of information and you can sign up for the Town's Emergency Notification System. She stated that the Budget Public Hearing is on November 7, 2011 and will begin at 7:00 PM. She spoke about the new audio visual equipment in the Town Board meeting room.

Councilman Bianco stated that the Highway Department is still trying to open up roads. The Town Board is trying to come up with a system to help residents with disposing of the brush from the storm. The Department of Environmental Conservation is working overtime to get this done on Saturday. The Town will continue to help residents with this issue.

Supervisor Siegel stated that if you want the Department of Environmental Conservation to pick up your storm debris it has to be cut in four foot lengths and tied with a strong cord or you can bring your debris up to the hill on Greenwood Street located at the Sewage Treatment Plant. This policy is what we will follow until it is changed by the Town Board.

Councilman Martorano stated that this is an emergency situation and it is ridiculous to make people bundle the brush, the Town Board should extend itself further and provide chippers. We need to do more to help residents. He congratulated all the candidates who ran and thanked the voters for coming out.

Councilman Murphy wished a belated Happy Veterans Day to all our Veterans. He stated that it was his pleasure to serve with Councilman Martorano and he wishes him the best.

Councilman Patel congratulated Councilman Bianco on being elected again and thanked Councilman Martorano for his service.

#### DURING REPORTS FROM TOWN COUNCIL

Councilman Patel introduced Eagle Scouts Nikhil Jani and Frederick Compton, III. They each described their Eagle Scout projects which were both done at Saint Patrick's Church. He also spoke about the Westchester Municipal Officers Association meeting he attended.

#### APPROVE RESOLUTIONS FROM OCTOBER 18, 2011 RESOLUTION #551

Upon Motion by Councilman Bianco, Seconded by Councilman Patel,

Resolved, that the Town Board Meeting Resolutions for October 18, 2011 are approved as amended 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:

Mr. Ray Arnold spoke about the Election and congratulated all, everyone that won and lost because they are all winners. He asked if there are minutes to the Town Board meetings and stated he was here for the Urban Renewal Agency issue.

Mr. Paul Moskowitz stated that the Energy Advisory Committee has openings and they meet on the third Thursday of every month at Town Hall, if anyone is interested in joining. He thanked the members of the Town Board who are leaving in January for all their work. He stated that Green Yorktown and Energy Advisory Committee will be sponsoring a forum on November 18, 2011 at 7:30 PM in the Town meeting room. They will be talking about how you can get a free Home Energy Audit. It is a New York State program and they will come to your house and show you where energy savings can be made throughout your home. For more information you can visit [greenyorktown.org](http://greenyorktown.org).

Chief of Police Daniel McMahon stated that he would like to bring to the attention of the Town Board three incidents that the Police Department has investigated over the last few weeks. He stated that over the last three years this community has lost 17 young adults to drugs and/or alcohol. We have had nine fatal overdoses, three suicides and five fatal DWI accidents. In March of 2011, we had a double fatal overdose. He explained that unattended deaths are treated like a homicide. The Yorktown Police Department enlisted the help of the Westchester County Drug Task Force and the New York City Police Department to see if they could hold accountable the people who sold the drugs. This investigation led to the arrest of twenty-one people, four kilograms of heroin were seized, also 3,000 envelopes of heroin were seized and five firearms. He knows it is no consolation to the families but at least someone is punished for what happened here. He said that he hopes that it gives some comfort to the families.

Chief McMahon stated that on October 30, 2011, a very alert Mohegan Lake resident observed some suspicious activity at his neighbor's house, he had no phone or cell service so there was a delay in notifying the Police Department. He did give a description of the suspects. Several days later the Police Department responded to a robbery in Shrub Oak, the victim of that crime gave a description of the suspect and one of the Police Officer's put together a suspect list. The Police Officer went to the residence of the suspects and identified items from both the burglary and robbery. Chief McMahon stated that as part of project safeguard Police Officer's check ATM's to see if they were tampered with, it was noticed by a Police Officer that something was unusual with the ATM. It was staked out and an arrest was made. Over one hundred transactions took place from the time this device was placed on the ATM until the arrest. He suggested that you cover your hand when putting in your pin number.

COURTESY OF THE FLOOR IS CLOSED

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

She stated that many years ago, the Town Board stopped approving the minutes of the Town Board. After the Town received the State Auditor’s report they made a point of saying that it is good business practice for the Town Board to review the minutes. State Law gives the task of taking the Town Board minutes to the Town Clerk. She further stated that after the Audit the Town Clerk made a decision to just give the Town Board the resolutions passed at the previous Board meeting. What the Town Clerk writes as verbiage is up to her. Supervisor Siegel feels that it is subjective by not having the Board approve the minutes and only the resolutions.

She thanked the Police Department for a job well done.

Councilman Martorano thanked Mr. Moskowitz for his kind words. He said we have to continue to be environmentalists. He stated that the budget will be discussed later and it is very important to give more to the Police Department, we need a drug unit, we need officers to work with our youth and he supports hiring two officers so that we can make a dent in drugs in this Town.

SEQRA – PROPOSED LOCAL LAW AFFORDABLE HOUSING PROGRAM  
RESOLUTION #552

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

WHEREAS, the Town Board seeks to adopt a Local Law to enact Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING,” establishing a new affordable housing program; and

WHEREAS, on May 5, 2011 the Town Board declared its intent to act at lead agency under the State Environmental Quality Review Act; and

WHEREAS, on May 5, 2011 the Town Board circulated a draft of the proposed “AFFORDABLE HOUSING” law to all interested parties; and

WHEREAS, none of the interested parties indicated opposition to the Town Board acting as lead agency for the purpose of reviewing the proposed law under the State Environmental Quality Review Act; and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form and considered all the relevant information and commentary, and all other supporting information to assess the potential for significant adverse impacts on the environment under the State Environmental Quality Review Act, Part 617 of Article 8 of the Environmental Conservation Law; and

WHEREAS, on November 15, 2011 the Town Board declared lead agency; and now

THEREFORE BE IT RESOLVED, that the Town Board having considered all relevant information determines that the adoption of a Local Law to enact Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING,” will not have a significant adverse impact on the environment and hereby adopts a Negative Declaration pursuant to same as provided for in the State Environmental Quality Review Act, Part 617 of Article 8 of the Environmental Conservation Law, and orders a Notice of Determination of Non-Significance to be filed as provided by law.

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

LOCAL LAW #17 OF 2011 AFFORDABLE HOUSING PROGRAM  
RESOLUTION #553

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

WHEREAS, a public hearing was held on October 4, 2011 Pursuant to notice duly published as required by law for the purpose of enacting Chapter 102 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING," establishing a new Affordable Housing Program, Now therefore be it

RESOLVED, that Local Law #17/2011, 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 Martorano	Voting	AYE
Councilman Bianco	Voting	AYE
Councilman Murphy	Voting	NAY
Councilman Patel	Voting	ABSTAIN
Supervisor Siegel	Voting	AYE

Local Law #17/2011 was thereupon declared adopted.

ADJOURN TOWN BOARD MEETING AND CONVENE URBAN RENEWAL AGENCY  
RESOLUTION #554

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

Resolved, that the Town Board adjourns the Town Board meeting for the purpose of convening as the Urban Renewal Agency.

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

CONVENE AS URBAN RENEWAL AGENCY  
RESOLUTION #555

Upon motion made by Councilman Bianco, seconded by Councilman Martorano

RESOLVED, that the Yorktown Urban Renewal Agency shall sell four parcels remaining in its name as record owner, to wit, parcels having tax ID numbers 37.18-2-59, 37.18-2-69, 37.19.1-10 and 37.19-1-19, to the Town of Yorktown for a price of \$1.00 for each parcel. The town attorney is directed to take all the necessary steps to close the transaction.

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

URBAN RENEWAL AGENCY CONVEY PROPERTY TO TOWN  
RESOLUTION #556

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

RESOLVED, that the Town of Yorktown shall purchase four parcels to wit, parcels having tax ID numbers 37.18-2-59, 37.18-2-69, 37.19.1-10 and 37.19-1-19, from the Yorktown Urban Renewal Agency for a price of \$1.00 for each parcel. The town attorney is directed to take all the necessary steps to close the transaction.

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

ADJOURN URBAN RENEWAL AGENCY  
RESOLUTION #557

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

Resolved, that the Urban Renewal Agency is adjourned.

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

RECONVENE THE TOWN BOARD MEETING  
RESOLUTION #558

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

Resolved, that the Town Board reconvenes the Town Board meeting.

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

CONVENE PUBLIC HEARING PROPOSED LOCAL LAW AMENDING CHAPTER 15  
ENTITLED “BUILDING CONSTRUCTION ADMINISTRATION” AND CHAPTER 300  
ENTITLED “ZONING”

Supervisor Siegel convened a public hearing to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled “BUILDING CONSTRUCTION ADMINISTRATION” with respect to exemptions from the building permit requirements for certain accessory buildings, fences and retaining walls; and Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” with respect to clearance requirements for accessory buildings and maximum size standards for accessory buildings in residential zones. The Town Clerk presented affidavits of posting and publication.

Building Inspector John Winter explained the changes to the proposed local law.

Councilman Bianco is concerned with the height issue. Building Inspector Winter explained that if we limit the height any lower you would not get any use above. Then you would have a garage with storage only. He feels 15 feet is adequate.

Mr. Nick Witkowich stated that the problem with the height, he noted that Supervisor Siegel stated that this law will eliminate ambiguity; this law allows it and will lead to another lawsuit. He feels accessory buildings should not be used for businesses or meeting halls, there is no definition in this proposed law on what 15 feet is. He thinks that the Town is only creating another problem with the way this proposed local law is written.

Building Inspector John Winter stated that there are different height requirements for main structures and different height requirements for an accessory structure. 15 feet means to the mid point of that roof, that is my interpretation and you will still be limited. He knows of no other instance that this has been an issue.

Mr. Jim Flango, resident and architect stated that he sees one problem with the law which is the footnote where if it is over 50% of the footprint of the house it makes the setbacks farther what happens with some of the smaller properties it makes it impossible to fit an accessory structure and you will have to go for a variance. You might want to change that language for smaller lots to 65% so that you won't be sending all these applications to the Zoning Board. With regards to the height, you can manipulate the roofs to get a higher ceiling but it is limited. When you do it to the ridge, what happens is you have a small roof line and it does not match the rest of the house.

Building Inspector John Winter stated that we may end up drafting a law that people will be required to get variances.

Supervisor Siegel stated that Mr. Witkowich concerns about the height is because he thinks the next door neighbor who wants to build something he believes will use it for commercial purposes. That is a use issue which has nothing to do with height. The Code is clear regarding permitted uses in residential districts. She feels it is an issue of code enforcement. She suggested that if we change the height now, we have to readvertise and extend the moratorium on this. She suggested passing the law and amending it at a later date.

Supervisor Siegel read comments received from Mr. Howard Frank regarding this proposed local law and are on file in the Town Clerk's office for review.

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 Martorano.

LOCAL LAW #18 of 2011

AMENDING CHAPTER 15 ENTITLED “BUILDING CONSTRUCTION ADMINISTRATION” AND CHAPTER 300 ENTITLED “ZONING” WITH RESPECT TO CLEARANCEREQUIREMENTS FOR ACCESSORY BUILDINGS AND MAXIMUM SIZE STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES  
RESOLUTION #559

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

WHEREAS, a public hearing was held on November 15, 2011 Pursuant to notice duly published as required by law for the purpose of amending Chapter 15 of the Code of the Town of Yorktown entitled “BUILDING CONSTRUCTION ADMINISTRATION” with respect to exemptions from the building permit requirements for certain accessory buildings, fences and retaining walls; and Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” with respect to clearance requirements for accessory buildings and maximum size standards for accessory buildings in residential zones, Now therefore be it

RESOLVED, that Local Law #18/2011, 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 Martorano	Voting	AYE
Councilman Bianco	Voting	AYE
Councilman Murphy	Voting	AYE
Councilman Patel	Voting	AYE
Supervisor Siegel	Voting	AYE

Local Law #18/2011 was thereupon declared adopted.

RELIEF FROM MORATORIUM – SILVERMAN – 1360 WHITEHILL ROAD  
RESOLUTION #560

Upon motion made by Supervisor Siegel, seconded by Councilman Martorano,

Resolved, that the Town Board hereby denies the request from Mr. and Mrs. Silverman for relief from the moratorium.

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

CONVENE PUBLIC HEARING  
AMENDING CHAPTER 115 – ENTITLED ANIMALS

Supervisor Siegel convened a public hearing to consider a proposed local law amending to amend Chapter 115 of the Code of the Town of Yorktown entitled “ANIMALS,” Article 1 of Chapter 115 “Entitled” Dog Control,” Section 115-4 (Definitions) is hereby amended by the deletion of the defined term “Habitual”. The Town Clerk presented affidavits of posting and publication.

Town Attorney Koster explained that there are changes to the draft local law that were substantive.

Chief of Police Daniel McMahon read changes to the proposed local law which he feels will make this local law as enforceable and easy as possible.

Chief McMahon introduced Community Service Worker James Waterhouse and also handles animal control.

Supervisor Siegel stated that we are making the suggested changes and she would like to adjourn the public hearing and reconvene it on December 6, 2011.

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.

ADVERTISE PUBLIC HEARING FOR CROTON OVERLOOK REZONING  
RESOLUTION #561

Upon motion made by Councilman Bianco, 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 the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of December, 2011 at 7:30 o'clock P.M. or as soon thereafter as same can be heard, to consider the Petition of Croton Overlook Corporation to amend the Town of Yorktown Zoning Map, as it pertains to lands located east of the intersection of New York State Routes 134 and 100, designated on the Town Tax maps as parcels 70.11-1-16, 70.15-1-1 and 70.15-1-2 , totaling approximately 62.76 acres, and

WHEREAS, the Petition proposes to rezone the aforesaid parcels from the current R1-160 Single-Family Residential Zoning District to the RSP-1 Age-Oriented Community Zoning District to construct a 72 lot subdivision, which includes 35 buildings, containing a total of 70 residential fee simple duplex units for active adult housing, one open space lot, consisting of a protected land preservation parcel of approximately 44 acres and one lot for the development's on-site sewer treatment facility.

A copy of said Petition is on file in the Office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular business hours.

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

REFERRAL TREE TOPS REHABILITATION AND CARE CENTER  
RESOLUTION #562

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application from Tree Tops Rehabilitation and Care Center for a special use permit, site plans and preliminary design plans to the agencies listed below for their review and/or recommendation, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by December 5, 2011, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled to take place on Tuesday, December 6, 2011 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

NYC DEP  
NYS DEC  
NYS DOT  
WC Planning Department  
WC Environmental Facilities

Town of Cortlandt  
Town of Yorktown Agencies:  
Environmental Consultant  
Planning Board  
Planning Department  
Wetlands Code Inspector  
Town Engineer  
Conservation Board

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

AWARD BID 2013 MACK GRANITE GU813 CHASSIS AND LEACH 2RIII REAR LOADING BODY – DEPARTMENT OF ENVIRONMENTAL CONSERVATION RESOLUTION #563

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

WHEREAS, invitation to bid for purchase of one (1) 2013 Mack Granite GU813 Chassis and Leach 2R111 Rear Loading Body packer truck for use in the Environmental Conservation Department was duly advertised, and

WHEREAS, said bid (s) were received on the 3<sup>rd</sup> day of November 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, and

WHEREAS, the Superintendent of Environmental Conservation has recommended that this vehicle be purchased, therefore

RESOLVED, that the bid for \$194,000.00 for the purchase of one (1) Mack Granite GU813 Chassis and Leach 2R111 Rear Loading Body packer truck be accepted from Gabrielli Truck Sales LTD, 333 Conner Street, Bronx, NY 10475.

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

AWARD BID FOR TWO 2012 F-350 TRUCKS – PARKS DEPARTMENT RESOLUTION #564

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

WHEREAS, invitation to bid for Two (2) 2012 Ford F-350 4x4 Super Cab with 9’ Service Body with Plow for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on October 28, 2011, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

COMPANY	1. Chassis	2. Service Body	3. Snow Plow	TOTAL Per Unit
Vision Ford	\$34,236.00	\$8,692.00	\$4,275.00	\$47,203.00
WestHerr Ford - NY	\$34,655.00	\$7,563.00	\$4,995.00	\$47,213.00
Inter-State Ford Truck Sales, Inc.	\$34,514.00	\$9,876.00	\$4,932.00	\$49,322.00
Patchogue 112 motors LLC	\$34,204.52	\$9,700.00	\$5,420.00	\$49,324.52
Gabrielli Truck Sale, LTD.	\$35,548.00	\$9,701.00	\$5,418.00	\$50,667.00
Winner Ford	\$34,967.00	\$10,201.00	\$5,918.00	\$51,086.00
Rye Ford	\$39,484.00	\$9,701.00	\$5,518.00	\$54,703.00
Henderson Ford	\$69,610.00	\$17,584.00	\$9,642.00	\$96,836.00
Trius, Inc.	no bid	no bid	no bid	no bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid be and is hereby awarded to Vision Ford the lowest responsible bidder for two (2) units at \$47,203.00 each.

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

AWARD BID FOR PURCHASE OF A MECHANICALLY CLEANED BAR SCREEN FOR THE WATER POLLUTION CONTROL PLANT – #11-05 – ENGINEERING DEPARTMENT RESOLUTION #565

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

Whereas, Bids were received for the Purchase of a Mechanically Cleaned Bar Screen for the Water Pollution Control Plant, Bid #11-5, and are summarized as follows:



<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Duperon Corporation	\$98,500.00
D&J Machinery, Inc.	\$178,000.00

RESOLVED, that the bid for the Purchase of a Mechanically Cleaned Bar Screen, Bid #11-05, be awarded to Duperon Corporation, the low bidder, at a cost of \$98,500.00.

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

FOR SODIUM BISULFITE 38% - WATER POLLUTION CONTROL PLANT - #11-06 –  
ENGINEERING DEPARTMENT  
RESOLUTION #566

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

Whereas, Bids were received for the purchase of Sodium Bisulfite 38% for the Water Pollution Control Plant, Bid #11-06, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Slack Chemical Co., Inc.	\$161.45 per 55 gallon drum
Tridon Chemical Co.	NO BID

RESOLVED, that the bid for Sodium Bisulfite 38%, for the Water Pollution Control Plant, Bid #11-6 be awarded to Slack Chemical Company, Inc., the sole bidder, at a cost of \$161.45 per 55 gallon drum.

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

APPROVE PILOT AGREEMENT AND SUPPLEMENTAL MUNICIPAL IMPACT FEE  
AGREEMENT WITH MARATHON DEVELOPMENT GROUP FOR THE UNDERHILL  
APARTMENTS  
RESOLUTION #567

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

WHEREAS, Underhill Associates, LP (“Underhill”) a redevelopment company organized and existing under and by virtue of Article 5 of the State of New York State Private Housing Finance Law, (“PHFL”) is the owner of that certain 60 unit project (the “Project”) located at 240 and 250 Underhill Ave in the Town of Yorktown (the “Town”), County of Westchester, State of New York, (the “Property”); and

WHEREAS, the Town has determined that the rehabilitation of the Project and its preservation as affordable housing is beneficial to and in the best interests of the public; and

WHEREAS, pursuant to that certain Purchase and Sale Agreement by and between Underhill, as seller, and Yorktown Housing Fund, LLC, a New York limited liability company (the “Company”), having an office at c/o Marathon Development Group, Ltd., 901 Main Street, Suite 300, Peekskill, NY 10566, as buyer, Underhill agreed to sell the Property to the Company (the “Sale”); and

WHEREAS, the Company intends to acquire and modernize the Project and preserve it as affordable housing; and

WHEREAS, the principals of the Company shall form a Housing Development Fund Company (the “HDFC”) which HDFC shall hold legal title to the Project for the benefit of the Company; and

WHEREAS, as a means of assisting the modernization of the Project and its preservation as affordable housing, the HDFC has requested from the Town and the Town desires to grant certain tax abatements; and

WHEREAS, the HDFC is a corporation to be established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article 11 of the PHFL; and

WHEREAS, the HDFC and the Company shall have each been formed for the purpose of providing residential rental accommodations for persons and families of low-income; and

WHEREAS, the HDFC's and the Company's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project;

NOW THEREFORE, BE IT RESOLVED, that, pursuant to the provisions of PHFL Article V, the Town approves the dissolution of Underhill as a redevelopment company without recourse and the conveyance of the Project and Property from Underhill to the HDFC for the benefit of the Company;

AND FURTHER RESOLVED, pursuant to PHFL Section 577, that the Town Supervisor is hereby authorized to execute an agreement, subject to the approval of the Town Attorney, between the Town and the Company granting exemptions from Town, County, and Yorktown School District School Taxes, exclusive of assessments for local improvements including the Fire District provided that the Company shall make annual payments in lieu of taxes (PILOT) equal to the greater of :(i) three and one-half (3.5%) percent of the shelter rent, and (ii) \$16,000 (Flat Rate) which Flat Rate shall be reduced by the amount of payments made in such year to any special district or special taxing jurisdiction.

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

APPROVE THE AMENDMENT TO THE INTER-MUNICIPAL AGREEMENT  
FORMING EAST OF HUDSON COALITION  
RESOLUTION #568

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

WHEREAS, municipalities located in the New York City watershed east of the Hudson River ("EOH Municipalities") have entered into an intermunicipal agreement ("IMA") to form the EOH Coalition; and

WHEREAS, Article 3 of the IMA provides at paragraph 3.1 that there shall be an executive committee consisting of three representatives from Putnam County and three representatives from Westchester County; and

WHEREAS, municipalities located in Dutchess County have indicated an interest in joining the EOH Coalition by signing the IMA and have requested that one representative from Dutchess County be added to the executive committee; and

WHEREAS, the EOH Coalition held a meeting of members on October 13, 2011 at the Somers Town Hall at which a quorum was present, and the members present voted unanimously to amend the IMA to add one representative from Dutchess County to the executive committee; and

WHEREAS, the vote by each member's representative is not binding on the municipality unless the municipal board approves the amendment to the IMA;

NOW THEREFORE BE IT RESOLVED, that the Town of Yorktown hereby approves the amendment of the IMA by the revision of paragraph 3.1 to read as follows: "There shall be an executive committee consisting of three representatives from Putnam County, three representatives from Westchester County and one representative from Dutchess County." ; and

BE IT FURTHER RESOLVED that a new paragraph 3.1.5 is added to the IMA to read as follows: "One representative shall be elected by a majority vote of the Members from Dutchess County and shall serve for a term of two years."

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

AUTHORIZE SUPERVISOR TO SIGN AN IMA WITH WESTCHESTER COUNTY TO RECEIVE A TRAILER WITH EMERGENCY SHELTER SUPPLIES  
RESOLUTION #569

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

Resolved, that the Supervisor is authorized to sign an IMA with Westchester County to receive a trailer with emergency shelter supplies at no cost to the Town.

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

AUTHORIZE SUPERVISOR TO SIGN RETAINER AGREEMENT WITH BEST BEST AND KRIEGER TO REPRESENT THE TOWN IN A CHALLENGE TO PAST CABLEVISION FEES  
RESOLUTION #570

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

Resolved, that the Supervisor is authorized to sign a retainer agreement with Best Best & Krieger to represent the Town in a challenge to past Cablevision Fees with the understanding that if a settlement agreement cannot be reached through negotiations, any decision to have Best Best & Krieger proceed with litigation will require a subsequent resolution by the Town Board.

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

APPROVE TH EXTENSION OF THE CONTRACT WITH FJF FUEL, INC. /VALLEY OIL FOR THE ANNUAL MAINTENANCE AND SERVICE OF HEATING FURNACES AND BOILERS IN THE TOWN'S BUILDINGS  
RESOLUTION #571

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

RESOLVED, that the Annual Maintenance and Emergency On Call service for Town Boilers and Furnaces for the Town of Yorktown be hereby extended for one year per the terms of the bid agreement to JFJ Fuel Oil/Valley Oil Company, 705 Nepperhan Ave, Yonkers, New York 10703. The date of the extension will be from January 1, 2012 through December 31, 2012.

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

APPROVE \$10 INCREASE TO ZONING BOARD OF APPEALS APPLICATION FEE TO COVER COST OF NOTIFICATION SIGN  
RESOLUTION #572

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

Resolved, that the Master Fee Schedule for Land Development Application and Permit Fees is hereby amended to increase the fee for "Appeals to the ZBA" to \$220.00.

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

AUTHORIZE SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO PROVIDE EMPLOYEE ASSISTANT SERVICES (EAP)  
RESOLUTION #573

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

Whereas, the Town wishes to participate in an inter-municipal agreement with the County of Westchester to provide Employee Assistance Services, commonly referred to as "EAP" (Employee Assistance Program), and

Whereas, the IMA covers the years 2010 through 2014, and

Whereas, the following fee schedule is in place for the applicable years:

2010 and 2011	\$35 per employee per year
2012	\$40 per employee
2013 and 2014	\$45 per employee per year

Whereas, said IMA was approved by the Board of Acquisition and Contract of the County of Westchester on the 22<sup>nd</sup> day of December, 2010, now,

Therefore, Be It Resolved, the Supervisor is hereby authorized to sign the five year IMA. Subject to Town Attorney approval.

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

AUTHORIZE SUPERVISOR TO SIGN THE URBAN AND COMMUNITY FORESTRY STATE ASSISTANCE CONTRACT  
RESOLUTION #574

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Urban and Community Forestry State Assistance Contract No. T304612 pursuant to which the State DEC will provide the Town with \$1,000 in grant funds for Arbor Day 2011.

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

REQUESTS TO CARRY OVER VACATION TIME  
RESOLUTION #575

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

Whereas, the following vacation carryovers have been requested by the applicable department heads, and

Whereas, the balances have been verified by the Comptroller, now,

Therefore, Be It Resolved, the following employees are granted permission to carry over the stated vacation balances:

Kim Penner	18 days
Diana Quast	4 days
Elena Panagi	4 days
Thomas Travis	34.5 hours

Time carried is to be used in the following calendar year.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE A STIPULATION OF SUBSTITUTION OF COUNSEL APPROVING THE CHANGE OF COUNSEL IN IC V. CARDONE ET AL TO SOKOLOFF, LLP  
RESOLUTION #576

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

RESOLVED, that the Supervisor is authorized to execute a Stipulation of Substitution of Counsel approving the change of counsel in *Curanovic v. Cardone, et al* to Sokoloff Stern, LLP.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE A STIPULATION OF SUBSTITUTION OF COUNSEL APPROVING THE CHANGE OF COUNSEL IN BELL V. TOWN OF YORKTOWN FROM MORRIS DUFFY ALONSO TO TARSHIS, CATANIA, LIBERTH, MAHON & MILLIGRAM, PLLC  
RESOLUTION #577

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

RESOLVED, that the Supervisor is authorized to execute a Consent to Change Attorney approving the change of counsel in *Bell v. Town of Yorktown* from Morris Duffy Alonso to Tarshis, Catania, Liberth, Mahon & Milligram, PLLC.

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

AUTHORIZE SUPERVISOR TO SIGN A MAINTENANCE AGREEMENT WITH SPS VAR, LLC, TO PROVIDE MAINTENANCE FOR XSERIES 346 HARDWARE, ESERVER 15 HARDWARE, AND IBMI SOFTWARE FOR THE CONTRACT PERIOD OF OCTOBER 25, 2011 THROUGH OCTOBER 24, 2011 AT AN ANNUAL COST OF \$4,340  
RESOLUTION #578

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

WHEREAS, the Town entered into an agreement called an IBM Master Services Attachment for ServiceElite (hereinafter the "Master Services Agreement") in 2006 with IBM (having an office at 7100 Highland Parkway, Smyrna, GA 30082), pursuant to which IBM, either directly or through entities known as IBM Business Partners (remarketers/resellers of IBM maintenance services) agreed to provide support services for IBM equipment owned by the Town and used by the Police Department, which agreement remains in effect; and

WHEREAS, in order to effectuate the Master Services Agreement, the Town is required to annually contract with an IBM Business Partner; and

WHEREAS, under this arrangement, the Town pays the IBM Business Partner to provide maintenance services performed by IBM personnel; and

WHEREAS, under this arrangement, IBM's personnel work remotely (off-site) to perform software maintenance and on town property (onsite) to perform hardware maintenance, and at the Town's request IBM has provided an insurance certificate naming the Town as an additional insured which is satisfactory as to coverage limits; and

WHEREAS, the previous remarketed maintenance service agreement with another IBM Business Partner expired effective October 24, 2011 and the Town wishes to enter into a new annual maintenance agreement with SPS VAR, LLC, to effectuate the Master Services Agreement, and the Town Board has determined that it is in the interest of the Town to enter into such agreement;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to sign a maintenance service agreement with SPS VAR, LLC, having an office at 3168 Mercer University Drive, Suite 200, Chamblee, GA 30341, to provide maintenance for xSeries 346 Hardware, Eserver i5 Hardware, and IBMi Software for the contract period of October 25, 2011 through October 24, 2012, at an annual cost of \$4,340.00.

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

REFUND BUILDING PERMIT FEE  
RESOLUTION #579

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

RESOLVED, that upon recommendation of the Building Inspector John Winter, the amount of \$150.00 be and is hereby refunded to John Carlino, 16 Putnam Park Road, Cortlandt Manor, New York 10567 due to the determination that a Building Permit is not required at this time.

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

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

Mr. Ray Arnold asked if minutes with the verbiage or comments be available for public review. If they are available, how do we retrieve them? He stated that a stenographer comes out on major public hearings, what happens to those minutes.

Highway Superintendent Eric DiBartolo asked where the money is coming from for the purchase of the two parks trucks. He also spoke about the new water meters which were metered incorrectly and would like to know more about this.

COURTESY OF THE FLOOR IS CLOSED

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

Supervisor Siegel stated that Mr. Arnold your points are all well taken. She stated that the Town Clerk does write the minutes up and they are available. It is very important if you want to reconstruct from past boards what their thinking was. She feels there are issues and the next Town Board will have to address them. She feels the Town Board should review the minutes. She said we are constrained by Town Law and the Town Clerk is following the law.

Deputy Town Clerk Diana Quast stated that the Town Clerk is not doing minutes any differently than she has in the past. All the public comments are included in them, that are her prerogative, she writes that part that it is up to her. The part that the Town Board approves is the resolutions that they pass and that is what they are given and that is what they approve. The rest of it is subject to the Town Clerk or whoever is sitting here taking the minutes in an objective view. The minutes are available and anyone can come into the Town Clerk's office and ask for the minutes and we will be more than happy to give them to you just as anyone sitting here.

Supervisor Siegel stated the point is that they are the minutes of the Town Board meeting and the Town Board is not reviewing them, the Town Board is only reviewing the resolutions and since the resolutions are all prepared electronically there is really no issue then to make sure the votes are correct.

Supervisor Siegel stated that the money for the Parks Department's two trucks is coming from the fund balance. They will also be doing a thorough review of all our trucks. She stated that there is an issue with the new meters and Water Superintendent David Rambo is addressing the situation.

EXECUTIVE SESSION

Upon motion made by Councilman Martorano, seconded by Councilman Murphy, to go into Executive Session to discuss personnel.

RECONVENE TOWN BOARD MEETING WITHOUT TELEVISION  
RESOLUTION #580

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, the Town Board meeting was reconvened and will not be televised further.

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

BUDGET DISCUSSIONS  
RESOLUTION#581

Upon motion made by Councilman Bianco, seconded by Councilman Patel, The Town Board made the following budget transfers to the Tentative Budget:

A 1002	40,000	Cover new position
A 2610	25,000	Cover new position
A 1220.101	65,000	Cover new position
A 1964.498	(25,000)	Tax Refunds
A 1964.500	25,000	Business Tax Incentive
D 1002	200,000	Fund highway truck
D 5130.201	200,000	Fund highway truck
D 1002	25,000	Fund drainage work
D 5110.479	25,000	Fund drainage work

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

PRELIMINARY BUDGET  
RESOLUTION #582

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

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1<sup>st</sup>, 2012 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, in the said Town where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning November 23, 2011.

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 7th day of December, 2011 at 7:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2012 Preliminary Proposed General Budget totals \$51,079,721 representing an increase of \$1,447,662 over the 2011 Adopted Budget with no change in salary for elected officials.

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

ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown