

**FINAL REGULAR SESSION AGENDA
TOWN OF YORKTOWN
363 Underhill Avenue
Yorktown Heights, NY 10598
February 16, 2010**

PLACE: TOWN HALL

TIME: 7:00pm

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. REPORT FROM SUPERVISOR SUSAN SIEGEL

4. REPORTS FROM TOWN COUNCIL

5. COURTESY OF THE FLOOR

6. ADVERTISING

Public Hearing:

* Comprehensive Plan and FSGEIS – March 9, 2010

* Repeal Chapter 10, Article VII, Traffic Board in its entirety - March 2, 2010

Bids:

* Electrical Work on Town Buildings

* Street Light Maintenance

* Traffic Light work/repair

7. RESOLUTIONS

Requests from the Comptroller:

* Revise December 15, 2009 resolution for P&M Electric's hourly rate

* Accept \$4,500 in grant money for the Shrub Oak Park District – Grant #PKS-09-TA- 000

* Approve budget transfers for Highway and Environmental Conservation Department

Requests from the Engineering Department:

* Release of Wetlands Bond Number: WP# -001-08

Authorize the Supervisor to sign:

* Agreement for Sagamore Sewer District soil borings

* Agreement with Stearns & Wheler to complete a flow monitoring study

* Authorize extension of contract for the Environmental Inspector for two months

Requests from the Highway Department

- * Approve extension of the blacktop bid
- * Release of Escrow Deposit:
- * Street Opening Permit #009-005 - \$2,000.00

Requests from the Town Board:

- * Amend resolution appointing Eric DiBartolo as Project Manager for the Legacy Ball Field Project
- * Approve creation of a Traffic Safety Committee
- * Approve RFP for a part-time social worker for seniors
- * Authorize the Supervisor to sign an agreement with
- * Daylight Savings Co (NYSERDA) partner to perform energy audits on four town buildings
- * Authorize Phase II environmental assessment for Granite Knolls (EMC Contract)
- * Approve the designation of property formerly owned by
- * Antini as parkland
- * Approve policy statement on employee participation in Professional organizations
- * Approve conference attendances - Three members of the Parks &

Recreation Department

- * Approve payment of \$170,907.58 in settlement of Adrian Lawsuit

Requests from the Water Dept.

- * Renewal of Indra USA for Data & Software

8. REFERRAL

- * Zeal Construction – Request for wetlands permit

9. VOLUNTARY BOARD APPOINTMENTS

* Housing Board
 Judy Smith
 Nancy Stender

* Planning Board
 Darlene Rivera
 Richard Fon

10. MONTHLY REPORTS

- * Receiver of Taxes (2)
- * Building Department – Cost of Construction – Jan., 2010

11. COURTESY OF THE FLOOR

12. ADJOURN

ALICE E. ROKER

TOWN CLERK
TOWN OF YORKTOWN

DATED: February 16, 2010

The Town Board respectfully requests that you keep your remarks during Courtesy of the Floor as brief as possible; no more than three minutes.

BIDS PREVIOUSLY APPROVED FOR ADVERTISING:

Due Back: February 23, 2010

- * Crown Victoria Marked and Unmarked Cars – Police Consortium
- * Explorer XLTs Marked and Unmarked – Police Consortium
- * Expedition SSV Marked and Unmarked – Police Consortium
- * Dodge Chargers Marked and Unmarked – Police Consortium
- * Chain Link Fence – Parks & Recreation Dept.

February 16, 2009 Town Board Meeting
Resolutions to be approved:

6. ADVERTISING

Public Hearing:

COMPREHENSIVE PLAN AND FSGEIS

MARCH 9, 2010

This notice is issued pursuant to Section 272-a of the Town Law and Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

PLEASE TAKE NOTICE that a public hearing will be convened by the Town Board of the Town of Yorktown, Westchester County, New York, at the Yorktown Town Hall Board Room on Tuesday, March 9, 2010 at 7:00 p.m. or as soon thereafter as the same can be heard. The public hearing will be convened for the public to comment orally and/or in writing upon the proposed action described below, the proposed Town of Yorktown Comprehensive Plan, as revised, and a Final Supplemental Generic Environmental Impact Statement (FSGEIS) that has been completed and accepted for the proposed action.

ALL PERSONS INTERESTED in this matter may appear before the Board in person or by agent or attorney, and will be heard before any final determination is made. In addition, written comments can be submitted through the close of business on March 26, 2010 to Yorktown Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Name of Action: Revised Town of Yorktown Comprehensive Plan and related zoning amendments.

Lead Agency: Town of Yorktown, Town Board, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Description of Action: The proposed action is a Revised Comprehensive Plan outlining a vision for the Town for the next 20 years, together with associated changes in the Zoning Map and the text of the Zoning Code ("Proposed Action"). The Plan includes policy recommendations for land use, housing, parks and recreation, town and community services, utilities and infrastructure. Recommendations for improving traffic flow and traffic calming options are also detailed as are opportunities for protecting and enhancing neighborhood community character, and scenic, historic and natural resource protection. Examples of policy recommendations include: (1) the development of conservation overlay districts to protect natural and scenic resources; (2) improvements to environmental protection ordinances; (3) update of the Town Recreation Plan; (4) goals and techniques for historic preservation; (5) expansion of senior and youth programs to respond to changing demographics; (6) expansion of library space and services; and (7) specific improvements to intersections. The Plan also offers details for improving and enhancing the five business hamlets of Shrub Oak, Mohegan Lake, Jefferson Valley, Crompond (Route 202 corridor) and Yorktown Heights. Consistent with the land use recommendations, the Proposed Action also puts forth re-zonings for commercial, office and residential zones. The changes to the commercial zones consist of renaming some of the zones to accurately reflect their uses. There are also changes to the allowed and accessory uses in the commercial zones. Re-zoning of certain large lot, contiguous residentially-zoned parcels in the Town to reduce density is proposed. Also proposed are overlay districts (called design districts) to enhance development and/or redevelopment of areas through carefully designed mini-master plans.

Location: Town of Yorktown, Westchester County

Potential Environmental Impacts: Under the Proposed Action, fewer housing units will be constructed, resulting in a smaller population increase than could occur under Future Baseline Conditions (FBC). A new set-aside requirement could help to ensure that new middle-income housing is made available during the horizon period. The demand for commercial space would decrease. In addition, the Proposed Action would allow for the construction of additional office space, while reducing potential industrial buildout. The implementation of new regulations will help stem the decline of, and even improve, water quality in the Croton and Peekskill Hollowbrook watersheds. New regulations, such as Conservation Overlay Zones, and proposed purchases of important habitat areas will help to maintain Yorktown's biodiversity. Demand for water and sewer service will be reduced. Scenic and historic resources will be protected through new regulations, conservation easements and purchases. New regulations and acquisitions will help to protect farmland that could be lost to development. The Proposed Action would reduce the future growth in school enrollment, particularly in the Lakeland district. New zoning regulations would be imposed throughout the Town to protect and enhance the unique character of each part of Yorktown. Residential traffic trips would be reduced, however there could be a potential increase in retail and office generated trips. Mitigation is proposed to alleviate the potential impacts. Overall, the Proposed Action will not have significant adverse impacts that cannot be avoided or mitigated.

A copy of the FSGEIS and the Revised Comprehensive Plan and related zoning amendments may be obtained from: Yorktown Planning Department, 1974 Commerce Street, Yorktown

Heights, NY 10598, 914-962-6565; or the Yorktown Town Clerk's Office, 363 Underhill Avenue, Yorktown Heights, NY 10598; or the John C. Hart Memorial Library, 1130 Main Street, Shrub Oak, NY 10588; or online at www.yorktownny.org.

REPEAL CHAPTER 10, ARTICLE VII
TRAFFIC BOARD IN ITS ENTIRETY
MARCH 2, 2010

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 2nd day of March, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 10 by repealing, Article VII, Traffic Board in its entirety.

Section 10-19 Establishment of Town Traffic Board:

“The Town Board recognizes that it is important to give residents of the Town an opportunity to bring forth concerns regarding vehicular traffic in the community. Accordingly, the Town Board hereby establishes a Town Traffic Board (the “Board”) consisting of six town residents, to be hereinafter appointed by the Town Board, to meet to discuss traffic concerns in the community. The Board will meet each month, with the exception of July and August, at Town Hall. At least one member of the Town Board shall attend such meetings.”

A copy of the 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.

Bids:
ELECTRICAL WORK ON TOWN BUILDINGS
HIGHWAY DEPARTMENT
ADVERTISEMENT

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Electrical work on Town Buildings for Maintenance.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: “Bid: ELECTRICAL WORK ON TOWN BUILDINGS FOR MAINTENANCE”.

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

**STREET LIGHT MAINTENANCE
HIGHWAY DEPARTMENT
ADVERTISEMENT**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Traffic Light Work/Repair.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: STREET LIGHT MAINTENANCE".

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

**TRAFFIC LIGHT WORK / REPAIR
HIGHWAY DEPARTMENT
ADVERTISEMENT**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Traffic Light Work/Repair.

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The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: TRAFFIC LIGHT WORK/REPAIR".

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

7. RESOLUTIONS

Requests from the Comptroller:
REVISION OF DECEMBER 15, 2009 RESOLUTION:
P & M ELECTRIC'S HOURLY RATE

RESOLUTION

RESOLVED, that the Town Comptroller is authorized to pay P&M Electric, Inc. for all services rendered between April 1, 2009 and December 31, 2009 including the prevailing wage rate set by the New York Department of Labor, at the hourly rate of \$179.00.

ACCEPTANCE OF GRANT MONEY
FOR SHRUB OAK PARK DISTRICT - PROJECT PKS-09-TA-0005
RESOLUTION

WHEREAS, the Shrub Oak Park District is within the Town of Yorktown; and

WHEREAS, the Town of Yorktown has received approval for a New York State Parks, Recreation and Historic Preservation department grant specifically

Project PKS-08-TA-0005 in the amount of \$4,500.00; and

WHEREAS, said grant monies are for the purpose of beach enhancement defined as the purchase of shrubbery, fertilizer, mulch and weed block fabric and requires no matching funds; now

THEREFORE BE IT RESOLVED, the Town of Yorktown hereby accepts and authorizes the \$4,500.00 grant.

APPROVE BUDGET TRANSFERS FOR
HIGHWAY DEPT AND DEC
RESOLUTION

BE IT RESOLVED, the following 2010 budget transfers are adopted:

Decrease D 5110.101 by \$55,028.00

Decrease D 5140.101 by \$46,820.00

Increase D 5142.105 by \$101,848.00

Decrease SR 7210.101 by \$42,532.00

Increase SR 7210.0110 by \$42,532.00

Requests from Engineering Department:

RELEASE OF WETLANDS BOND

WP# 001-08

RESOLUTION

WHEREAS, Donald Blaney, as applicant, posted Check No. 2394 in the amount of \$300.00, which was deposited into the T33 account on September 30, 2008 to serve as the Wetland Bond for Wetland Permit #WP-001-08, for work performed at his Royce Court residence, and

WHEREAS, the applicant is requesting his Wetland Bond be released as all construction has been completed, 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 may be released;

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Mr. Donald Blaney, 155 Royce Court, Yorktown Heights, NY 10598.

**AUTHORIZE SUPERVISOR TO SIGN AGREEMENT
FOR SAGAMORE SEWER DISTRICT SOIL INVESTIGATIONS
RESOLUTION**

WHEREAS, the Town Board is moving forward with the proposed Sagamore Sewer District, and in order to determine existing soil conditions, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with the lowest responsive bidder to the January 26, 2010 Request for Proposal (attached), to perform soils investigations along the proposed Sagamore Sewer routing, at a cost not to exceed \$12,174.00 and to be performed by General Borings, Inc. of Prospect, CT, 06712.~

**AUTHORIZE SUPERVISOR TO SIGN AGREEMENT
WITH STEARNS & WHELER
RESOLUTION**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) and the New York City Department of Environmental Protection (NYCDEP) has stated that the Town needs to determine areas of excessive flows to the existing Hallock's Mill sewerage system, and

WHEREAS, the NYSDEC and the NYCDEP has stated that the Town should embark on a program of preventive/rehabilitation of its existing pump station facilities,

WHEREAS, in December 2007, the Town completed an evaluation of its Pump Stations concluding a priority ranking system of pump stations that require rehabilitation,

WHEREAS, it is necessary to determine the capacity of the existing interceptor sewer lines during both dry and wet weather events and the corresponding flow rates tributary to the pump stations that are to be rehabilitated in the future, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Stearns & Wheler, LLC, for the flow metering and sewer system modeling engineering services for the Hallock's Mill Sewer District, in the amount of \$272,000.00.

**AUTHORIZE EXTENSION OF CONTRACT
FOR ENVIRONMENTAL INSPECTOR**

RESOLUTION

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into a renewal contract with Michael Dubovsky for Environmental Code Inspector services. The term of the renewal agreement shall be for 60 days beginning February 16, 2010, and compensation for said services shall be payable in bi-weekly installments of Seven Hundred, Ninety-Seven Dollars and Fifteen Cents (\$797.15).

Requests from the Highway Department:

APPROVE EXTENSION OF BLACKTOP BID
RESOLUTION

WHEREAS, bids for blacktop for use by the Highway Department were received and opened on March 1, 2007; and

WHEREAS, said bid was awarded to Patterson Blacktop Corp and Peckham Materials Corp., 20 Haarlem Ave., White Plains, NY 10603; and

WHEREAS, the town has the option to extend said bid upon its original terms and conditions for three additional years in one-year increments; and

WHEREAS, said bid commenced March 6, 2007 and ended January 30, 2008 and was hereby extended for 2 additional years ; so, THEREFORE BE IT

RESOLVED, that the Blacktop Bid for the Town of Yorktown is hereby extended for one last year per the terms of the bid, to Patterson Blacktop Corp. and Peckham Materials Corp., 20 Haarlem Ave., White Plains, NY 10603. The dates of the extension will be January 31, 2010 through to January 31, 2011.

RELEASE ESCROW DEPOSIT
STREET OPENING PERMIT #009-005
RESOLUTION

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

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

Type of Permit Permit # Amount Location Refund to

Street Opening 009-005 \$2,000.00 3481 Alta St. Brian Swain

AMEND RESOLUTION APPOINTING ERIC DIBARTOLO
AS PROJECT MANAGER FOR THE LEGACY BALL FIELD PROJECT
RESOLUTION

RESOLVED, the Town Board hereby appoints Eric DiBartolo as Project Manager for the Legacy Ball Field Project (“the Project Manager”) for purpose of completing the Town’s obligations as outlined in the 2006 and 2007 IMAs with Westchester County (the “Work”); and be it

FURTHER RESOLVED, that the Project Manager shall administer the Work under the supervision and direction of the Town Board; and be it also

FURTHER RESOLVED, that the Project Manager will commence the work no later than Tuesday, February 16, 2010, weather permitting, and continue to administer the work diligently and without delay to completion.

Requests from the Town Board:
APPROVE CREATION OF A
TRAFFIC SAFETY COMMITTEE
RESOLUTION

WHEREAS, the Town Board recognizes the importance of providing for safe local roads throughout the Town of Yorktown; and

WHEREAS, the Town Board recognizes the need for a committee to review traffic safety issues and make appropriate recommendations to the Town Board to address known traffic safety concerns;

THEREFORE BE IT RESOLVED, that the Town Board creates a Traffic Safety Advisory Committee whose members shall consist of the (i) Town’s Traffic Safety Officer, (ii) the Highway Superintendent or a representative of the Highway Department as designated by the Highway Superintendent or the Town Board if no such designation is made, and (iii) at least one member of the Town Board; and

BE IT FURTHER RESOLVED, that Councilman Vishnu Patel and Terrence Murphy will alternate based on their availability as the Town Board members of the Committee; and

BE IT FURTHER RESOLVED, that the meetings of the Traffic Safety Advisory Committee will be scheduled on a regular basis, that the dates of the Committee’s meetings will be posted on the Town’s web site and that the meetings will be open to the public.

REQUEST FOR PROPOSALS FOR
PART-TIME SOCIAL WORKER FOR SENIORS
RESOLUTION

WHEREAS the Town of Yorktown has been awarded a grant from the Administration on Aging for senior programming; and

WHEREAS services of a professional part-time social worker is required to meet the requirements of the grant; and

WHEREAS the approved grant provides \$30,000.00 for social worker services; and

BE IT THEREFORE RESOLVED that the Town Board authorizes the Senior Services Department to create and distribute a Request for Proposal (RFP) for the part-time social worker within the Town of Yorktown's Senior Program, proposals to be reviewed by the Town Board, after which, the supervisor is authorized to enter into a contract with the chosen professional to provide same.

**AUTHORIZE SUPERVISOR TO SIGN AGREEMENT
WITH DAYLIGHT SAVINGS CO. TO PERFORM
ENERGY AUDITS – TOWN BUILDINGS
RESOLUTION**

WHEREAS, the Town of Yorktown, under ARRA funding for energy efficient and conservation block grants program, has defined one of the projects to have Energy Audits of Town buildings; and

WHEREAS NYSERDA has partnered with Daylight Savings Company to perform such audits in our region;

THEREFORE BE IT RESOLVED, that the Town of Yorktown agrees to engage Daylight Savings Company to perform audits of the Town Court, Police Station, Water Department and Highway Garage at a cost of \$400.00 per audit as subsidized under the NYSERDA program.

**AUTHORIZE PHASE II ENVIRONMENTAL
ASSESSMENT FOR GRANITE KNOLLS (EMC CONTRACT)
RESOLUTION**

WHEREAS, the Town of Yorktown desires to purchase the Granite Knolls Property, 3000 Stony Street in the Town of Yorktown; and

WHEREAS, the Town has entered into a contract with Environmental Maintenance Contractors, Inc. to perform a Phase I Assessment of the property; and

WHEREAS, the Phase I has been completed and the recommendations include the performance of a Phase II Assessment of additional investigations with regard to the existing petroleum storage tanks, 55 gallon drums, abandoned vehicles, asbestos testing, and soil borings, NOW,
THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Environmental Maintenance Contractors, Inc. for the Phase II Environmental Assessment (demolition of the Barn is not included at this time) in accordance with EMC's proposal dated in the amount not to exceed \$22,795.00.

DECLARE ANTINI PROPERTY
PARKLAND
RESOLUTION

BE IT RESOLVED, that the parcel of land purchased by the Town of Yorktown from Eugene Antini on October 23, 2009, and being described in a deed of conveyance to the Town of Yorktown of the same date as Section 16.4, Block 1, Lots 20 and 27 on the Tax Map of the Town of Yorktown, be and is hereby accepted by the Town Board; and

FURTHER RESOLVED, that such land shall be reserved for parkland purposes.

APPROVE POLICY STATEMENT ON EMPLOYEE
PARTICIPATION IN PROFESSIONAL ORGANIZATIONS
RESOLUTION

RESOLVED, the Town Board encourages its employees to serve on professional boards and councils within their profession and recognizes that such participation benefits the Town in that it helps keep staff informed and up-to-date on innovative changes, new legislation, and other trends in their professional fields that can be implemented in Yorktown to improve the delivery of services to town residents and/or generate cost savings or revenue.

FURTHER RESOLVED, given the benefits to the Town from such participation, and subject to Town Board approval on a case-by-case basis, employees serving on such boards may do so on Town time.

APPROVE CONFERENCE ATTENDANCES
THREE MEMBERS OF PARKS & RECREATION DEPARTMENT
RESOLUTION

RESOLVED, that Jennifer Fava, Brian Gray and Todd Orłowski of the Department of Parks & Recreation are granted approval to attend the New York State Recreation and Park Society Annual Conference and Business Expo to be held in Saratoga Springs, March 21-24, 2010, on town time, as outlined in the February 1, 2010 memo from Jennifer Fava to Supervisor Susan Siegel.

APPROVE PAYMENT OF \$170,907.58
IN SETTLEMENT OF ADRIAN LAWSUIT
RESOLUTION

WHEREAS, the Town of Yorktown was the Defendant in certain litigation brought by Joseph M. Adrian, Elaine M. Adrian, and Adrian Family Partners I, L.P., (collectively, "Plaintiffs") in

the United States District Court of the Southern District of New York (03 Civ. 06604); and

WHEREAS, the Town's insurance carrier, Arrowood Indemnity Company, defended the Town in connection with the subject litigation; and

WHEREAS, pursuant to a jury trial, the Court dismissed the Plaintiffs' due process and equal protection claims, but Judgment was entered on January 15, 2008, on Plaintiffs' selective treatment and breach of contract claims, awarding to Plaintiffs the sum of \$150,002.00 comprised of \$1.00 each for Plaintiffs Joseph and Elaine Adrian, and \$150,000.00 for Plaintiff Adrian Family Partners I, L.P.; and

WHEREAS, said Judgment was then vacated by Decision and Order dated June 16, 2008, and thereafter reinstated by Judgment dated November 5, 2009; and

WHEREAS, the said Judgment dated November 5, 2009, reinstated the award to Plaintiffs Joseph and Elaine M. Adrian the sum of \$1.00 each and to the Plaintiff Adrian Family Partners I, L.P. the sum of \$150,000.00, together with pre-judgment interest at the rate of 9% from December 6, 2006 to January 16, 2008 in the amount of \$14,646.58, and taxable costs in the amount of \$6,259.00, whereupon the case was closed; and

WHEREAS, in accordance with the Judgment dated November 5, 2009, Plaintiffs are entitled to the total sum of \$170,907.58; and

WHEREAS, insurance counsel attended a hearing before the District Court on February 9, 2010, at which time counsel agreed that said outstanding amount would be paid to Plaintiffs whereupon the Court ordered that payment be made in advance of the next Court hearing scheduled for February 19, 2010.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the payment to Joseph M. Adrian, Elaine M. Adrian, and the Adrian Family Partners I, L.P. the sum of \$170,907.58, which payment the Comptroller of the Town of Yorktown is hereby authorized to remit immediately.

BE IT FURTHER RESOLVED, that the check in payment of said Judgment be delivered to the Town Attorney immediately for transmittal to Plaintiffs' Counsel prior to the February 19, 2010, hearing in accordance with the Court's directive.

Requests from the Water Department:
RENEWAL OF INDRA USA
FOR DATA & SOFTWARE
RESOLUTION

RESOLVED, that the Supervisor is authorized to enter into renewal database and software maintenance agreements for Water Department GPS Tracking with Indra, Inc.

FURTHER RESOLVED, the database maintenance is \$18,400.00 per annum and the software

maintenance is \$450.00 per occurrence.

9. VOLUNTARY BOARD APPOINTMENTS

Housing Board Appointments:

JUDY SMITH – COMMUNITY HOUSING BOARD RESOLUTION

BE IT RESOLVED, that Judy Smith is hereby appointed as a member of the Community Housing Board for a six-year term expiring February 28, 2016.

NANCY STENDER – COMMUNITY HOUSING BOARD RESOLUTION

BE IT RESOLVED, that Nancy Stender is hereby appointed as a member of the Community Housing Board for a six-year term expiring February 28, 2016.

Planning Board Appointments:

DARLENE RIVERA - PLANNING BOARD RESOLUTION

BE IT RESOLVED, that Darlene Rivera is hereby appointed as a member of the Planning Board for a five-year term expiring December 31, 2015.

RICHARD FON - PLANNING BOARD RESOLUTION

BE IT RESOLVED, that Richard Fon is hereby appointed as an alternate member of the Planning Board for a five-year term expiring February 28, 2015.