

**FINAL REGULAR SESSION AGENDA
TOWN OF YORKTOWN
363 Underhill Avenue
Yorktown Heights, NY 10598
March 2, 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. PUBLIC HEARINGS

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

7. COMPREHENSIVE PLAN

- Accept FSGEIS as complete
- Advertise Public Hearing for the Comprehensive Plan as revised and a Final Supplemental Generic Environmental Impact Statement (FSGEIS) – March 23, 2010 – 7:00PM

8. AWARD BIDS:

Parks and Recreation Dept:

- Games and Athletic Equipment

Police Consortium:

- Crown Victoria Police Interceptor Marked Vehicles
- Crown Victoria Police Interceptor Unmarked Vehicles
- Expedition SSV 4x4 Marked & Unmarked Vehicles
- Explorer XLT 4x4 Marked & Unmarked Vehicles
- Dodge Chargers Marked and Unmarked Vehicles

9. BID REJECTION:

- Chain Link Fence

10. PERSONNEL

Appointments:

- Jeannette Koster – Town Attorney

11. RESOLUTIONS

Requests from the Engineering Department:

- Performance Bond Reduction

Route 6 Office Development – Site Plan

Authorize the Supervisor to sign:

- Agreement with WSP Sells for surveying and providing description for temporary easements for the Sherman Court Project
\$4,845.00

Request from John C. Hart Library:

- Approve an RFP to repair/replace the Library's Heating, Ventilating and Air Conditioning System

Request from the Nutrition Center:

- Authorize the Supervisor to sign agreements for Title 111C-1, C-2, and 111B for the year 2010

Requests from the Police Chief:

- Approve the extension of the Towing Bid with Yorktown Auto Body for the period, March 24, 2010 – March 23, 2011
- Approve the extension of the Police Department Uniform Cleaning Bid
- Approve training for the Community Service/Animal Warden Officer James Waterhouse
- Approve Street Crimes Training

Requests from the Town Board:

- Approve Media Policy
- Moratorium on Con Edison Transmission Line Cutting
- Approve Certiorari Settlement: Chase Family Partnership
- Approve Certiorari Settlement: Ohunki Medical Office Building - Saw Mill River Road
- Waive late fee on payment of water bills due to the Supervisor's Declaration of a State of Emergency

Request from the Town Clerk:

- Approve Commercial Garbage License for:
Mid Hudson Waste

12. REFUNDS

Duplicate Taxes:

- Account #2782500 \$2,520.23
- Account #2683530 \$5,191.64
- Account #2184500 \$4,349.75

13. COURTESY OF THE FLOOR

14. ADJOURN

ALICE E. ROKER
TOWN CLERK
TOWN OF YORKTOWN

DATED: March 1, 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.

March 2, 2010 Town Board Meeting Resolutions to be approved:

7. COMPREHENSIVE PLAN

ACCEPT FSGEIS AS COMPLETE
RESOLUTION

WHEREAS, a revised Comprehensive Plan for the Town of Yorktown, prepared by Phillips, Preiss, Shapiro Associates, Inc., in coordination with the Yorktown Planning Department was submitted to this Board; and

WHEREAS, in 2005 the Town Board prepared a Generic Environmental Impact Statement under the State Environmental Quality Review Act ("SEQRA") in connection with the proposed enactment by the Town of the Comprehensive Plan and amendments to the Zoning Ordinance; and

WHEREAS, the Town Board determined that additional information is needed to satisfy the requirements under SEQRA and directed that a Supplemental Generic Environmental Impact Statement ("SGEIS") be prepared in connection with the consideration of the adoption of a Revised Town of Yorktown Comprehensive Plan and related zoning amendments; and

WHEREAS, on May 5, 2009 the Town Board of the Town of Yorktown found the information submitted in the Draft SGEIS for the Revised Town of Yorktown Comprehensive Plan and related zoning amendments complete with respect to scope, content, and adequacy for the purpose of commencing public review of the proposed project, pursuant to SEQRA and the regulations promulgated by the New York State Department of Environmental Conservation thereunder, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"), and

WHEREAS, the Town Board held public hearings on the Draft SGEIS, commencing on June 2, 2009, continuing on June 9, 2009, and closing on July 7, 2009, to receive oral and written comments from the public and involved and interested agencies, and

WHEREAS, a Final SGEIS was prepared to respond to the substantive oral and written comments to the Draft SGEIS and to describe and analyze the subsequent revisions made to the Comprehensive Plan, and

WHEREAS, the Town Board has found that the Final SGEIS adequately addresses the oral and written comments on the Draft SGEIS and describes and analyzes the revisions made to the Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown determines that the Final SGEIS for the Revised Town of Yorktown Comprehensive Plan and related zoning amendments is complete with respect to the scope, content and adequacy necessary to afford the public and involved and interested agencies the opportunity to consider the Final SGEIS and revised Comprehensive Plan and associated contemplated zoning changes, and be it

FURTHER RESOLVED, that the Town Board, as Lead Agency, will hold a public hearing on the Final SGEIS and revised Comprehensive Plan and associated contemplated zoning changes on March 23, 2010 at 7:00 PM, or as soon thereafter as these matters can be heard, in the Yorktown Town Hall at 363 Underhill Avenue, Yorktown Heights, NY, and will further allow for the submission of any written comments to be received through April 7, 2010, and be it

FURTHER RESOLVED, that the attached "Notice of Completion of Final Supplemental GEIS and Notice of Public Hearing" be published in the official newspaper of the Town of Yorktown, at least 14 days in advance of such hearing and that said Notice of Completion be filed and circulated in accordance with the SEQRA Regulations.

**ADVERTISE PUBLIC HEARING FOR THE COMPREHENSIVE PLAN
AND FSGEIS – MARCH 23, 2010 7:00 P.M.**

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 23, 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 April 7, 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. A new set-aside requirement could help to ensure that new affordable workforce 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 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.

8. AWARD BIDS:

Parks and Recreation Dept:

GAMES AND ATHLETIC EQUIPMENT RESOLUTION

WHEREAS, invitation to bid for Athletic and Game Equipment for use by the Parks & Recreation Dept., was duly advertised, and

WHEREAS said bids were received and opened on the 10th day of February, 2010, now therefore be it

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the low bidder for all items, except for the following:

Item 1- Softballs- Item by Efinger is not equal to specific make/model requested.

Item 5- Double First Base- Item by United Supply is not equal to the specific make/model number req.

Item 9- Homeplate-Item by Flaghouse is not equal to specific make/model number requested.

Item 12- Lanyards-Item by Flaghouse is not a breakaway lanyard as requested.

Item 13- Basketball-Item by United Supply is not equal to the specific make/model requested.

Item 29- Beach Balls-Item by S & S Worldwide is not equal to make/model specified.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis.

Item 1- Softballs - Wilson A9105 Red Stitch - 65 dozen = 0.00

1. Efinger Sports \$29.00 / dozen REJECT

2. No Bids

Item 2- Umpire Neck Guards Large Diamond FM-TG-6 3 each NO BID

Item 3a- Pitchers Plates - Youth 18" x 4" 8 each =\$37.68

1. Sport Supply – BBPPLLXXY \$4.71/ each

2. United Supply \$5.89 / each

3. S & S Worldwide \$6.00 / each

Item 3b- Pitchers Plates - Adult 8 each =\$57.36

1. Sports Supply BBPPLATE \$7.17 /each
2. United Supply \$8.27 /each
3. S & S Worldwide \$8.64 /each

Item 4a- Movable Pitching Rubber - 2 sets =\$33.92
18" rubber with ground sleeve unit and ground sleeve caps.

1. Sports Supply - BSN 1033465 \$16.96/ set
2. United Supply \$38.04/set
3. Efinger \$64.00/set

Item 4b- Movable Pitching Rubber - 1 set =\$17.64
24" rubber with ground sleeve unit and ground sleeve caps.

1. Sports Supply - BSN BS1GPPSR \$17.64/set
2. United Supply \$42.32/set
3. Efinger \$64.00/set

Item 4c- Movable Pitching Rubber – 4 sets =\$40.72
18" ground sleeve and ground caps only.

1. Sports Supply \$10.18/set
2. Efinger \$64.00/set
3. No Bid

Item 4d- Movable Pitching Rubber – 1 set =\$10.46
24" ground sleeve and ground caps only.

1. Sports Supply \$10.46/set
2. Efinger \$67.00/set
3. No Bid

Item 5- Double First Base - 2 each =\$92.40

1. United Supply-M155 \$19.21/each REJECT
2. Sports Supply - MacGregor BS-BBDFBSNR \$46.20/each
3. Flaghouse \$71.82 each

Item 6- Soft Touch Breakaway Base with anchor box and orange insert 1 each =\$68.48

1. Sports Supply-BBBASEBRE \$68.48/each
2. Efinger \$140.00/each
3. No Bid

Item 7- Soft Touch Breakaway Base – Extra Base Mount Plugs (orange) 2 Sets = \$8.00

1. Efinger – \$4.00/set
2. Sports Supply – BS-200265504 \$56.71/set
3. No Bid

Item 8- Base Anchor Plugs - BBRPLUGS 2 each =\$3.88

1. Sports Supply \$1.94/each
2. United Supply \$2.20/each
3. Efinger \$4.00/each

Item 9- Home Plates - Bolco 300-AS with ¾' wood bottom, 3" thick 1 Dz. =\$546.00

1. Flaghouse \$177.36/dz REJECT
2. Sports Supply- \$546.00/dz
3. United Supply \$582.36/Dz

Item 10- MEGA Phones- 16 watt 6 each =\$294.00

1. S & S Worldwide \$49.00/each
2. United Supply \$50.26/each
3. Efinger \$54.95/each
4. Gopher \$78.54/each

Item 11- Fox 40 Whistles - MG-FOX-BLACK 12 dozen =\$401.76

1. Sports Supply - MGFOXBLACK \$33.48 / dozen
2. Efinger \$38.00 / dozen
3. United Supply \$42.80/dozen

Item 12- Whistle Lanyards - breakaway for lifeguards 9 dozen =\$28.08

1. Flaghouse \$2.23/dozen REJECT
2. S & S Worldwide \$3.12/dozen
2. United Supply \$8.27/dozen

Item 13- Basketballs – Spalding Top Flight 1000 Pro 6 each =\$214.92

1. United Supply \$8.27/each REJECT
2. Sport Supply - \$35.82/each
3. S & S Worldwide \$43.00/each
4. Flaghouse \$45.31/each

Item 14- Basketballs - rubber, intermediate size 6 each =\$15.60

1. S & S Worldwide Spectrum \$2.60/each
2. Sports Supply - \$2.97/each
3. United Supply \$4.17 each

Item 15- Recreation Soccer Ball 6 each =\$15.36

1. S & S Worldwide \$2.56/each
2. Sports Supply - \$2.81/each
2. United Supply \$3.39/each

Item 16- Soft Composite Volleyballs 6 each =\$48.00

1. Efinger \$8.00/each
2. Sports Supply \$9.28/ each
3. S & S Worldwide \$11.85/ each

Item 17- Inflating Pump – electric 4 each =\$114.81

1. United Supply \$28.70 each
2. Flaghouse \$46.52 each

3. Efinger \$49.95 each

Item 18- 6 inch Flex Cones-Orange 6 dozen =\$120.24

1. Flaghouse \$20.04/dozen
2. Efinger \$27.00/Dozen
3. Sports Supply \$41.57/dozen

Item 19- Weighted Anchorless Pylons: Set of 4 1 Set =\$17.80

1. United Supply \$17.80/set
2. Sports Supply \$18.86/ set
3. No Bid

Item 20- Triple Threat Flag Football Belts –X-Large 4 dozen =\$57.60

1. Efinger \$14.40/dozen
2. United Supply \$19.29/dozen
3. Gopher \$34.34/Dozen

Item 21- Sonic Boom flags: Flag-a-Tag 42” belts 6 Dozen =\$162.18

1. Sports Supply \$27.03/dozen
2. Flaghouse \$54.22/dozen
3. Efinger \$68.00/dozen

Item 22- Football Official Penalty Flags: Regulation size 4 each =\$5.32

1. Sports Supply FBREFFLG \$1.33/each
2. No Bid

Item 23- Air Horn Cannister - 8 oz. 1 dozen =\$18.00

1. Efinger \$18.00/dozen
2. Sports Supply \$107.16/dozen
3. United Supply \$113.57/dozen

Item 24- Air Cannister Replacement Nozzles 1 dozen =\$70.71

1. United Supply \$70.71/dozen
2. No Bid

Item 25- Tennis Balls – Penn 1 Extra Duty Felt - Yellow 24 cans =\$57.12

1. United Supply \$2.38/can
2. Sports Supply \$2.85/can
3. S & S Worldwide \$3.50/can

Item 26- Bowling Ball Sets 4 sets =\$164.00

1. S & S Worldwide-W2773 \$41.00/set
2. Sports Supply \$54.17/set
2. United Supply \$69.83/set

Item 27- Foam Footballs - Official Size 6 each =\$17.70

1. Efinger \$2.95/each
2. United Supply \$2.98/each
- 3 S & S Worldwide \$2.99 each

Item 28- Rubber Footballs-Youth Size Macgregor X2Y 6 each =\$16.56

1. S & S Worldwide \$2.76/each (equal substitute)
2. Sports Supply \$2.96/each
3. United Supply \$4.11/each

Item 29- Beach Balls- assorted set 4 sets =\$138.08

1. S & S Worldwide \$33.00/set REJECT
2. United Supply \$34.52/set (Equal Substitute)
3. Gopher \$45.54/set

Item 30- Wiffle Balls - Softball Size 2 dozen =\$10.24

1. Sports Supply \$5.12/dozen
2. S & S Worldwide \$6.24/ dozen
3. Flaghouse \$6.92/dozen

Item 31- Gator Skin Balls - 6" size 6 each =\$23.58

1. Flaghouse -8861 \$3.93/each (equal substitute)
2. Sports Supply \$4.91/each
3. Efinger \$4.95/each
4. S & S Worldwide \$4.99/each

Item 32- Gator Skin Balls - 8" size 6 each =\$47.46

1. Sports Supply Voit 440101 \$7.91/each (equal substitute)
2. S & S Worldwide \$8.30/each
3. Flaghouse \$8.93/each

Item 33- 7" Diameter Foam Balls (set of 6) 3 sets =\$40.86

1. S & S Worldwide \$13.62 / set of 6
2. United Supply \$19.64/ set of 6
3. Efinger \$45.00/set of 6

Item 34- Countdown Timer 3 each =\$13.68

1. Flaghouse \$4.56/each
2. S & S Worldwide \$9.80/each
3. United Supply \$14.23/each

Item 35- Bean Bags 5" square 2 dozen =\$10.56

1. Sports Supply - \$5.28 / dozen
2. United Supply \$6.85/ dozen
3. Flaghouse \$7.88/dozen

Item 36- Rubber Soccer Balls See Item 15

Item 37- Spectrum 2000 Volleyball system 4 sets =\$831.16

1. Sports Supply \$207.79/set
2. S & S Worldwide \$249.00/set
3. Efinger \$280.00/set

Item 38 Replacement Volleyball Nets: Outdoors 3 each =\$45.90

1. United Supply \$15.30/each
2. S & S Worldwide \$46.00/each
3. Efinger \$65.00/each

Item 39- Ping Pong Balls - 50 + per box 1 box =\$10.71

1. United Supply \$10.71/box 144
2. Sports Supply \$14.16/bx 144
3. S & S Worldwide \$18.50/bx 144

Item 40- Foosballs 1 dozen =\$2.67

1. Flaghouse \$2.67/Dozen
2. S & S Worldwide \$4.44 / dozen
3. United Supply \$8.71 / dozen

Item 41- Knock Hockey Games 5 games =\$119.05

1. United Supply \$23.81/game
2. S & S Worldwide \$25.00/game
3. No Bid

Item 42- SNO KONETTE Machine 1 each =\$650.00

1. S & S Worldwide \$650.00
2. Sports Supply \$790.29
3. No Bid

Item 43- SNO-KONETTE Syrup 1 case of 4 g =\$20.92

1. Sports Supply \$20.92
2. S & S Worldwide \$58.00
3. No Bid

Item 44- SNO KONETTE 6 oz case of cups (5,000) 1 case =\$154.49

1. Sports Supply \$154.49
2. S & S Worldwide \$160.00
3. No Bid

Item 45- Cotton Candy Machine 1 each =\$685.00

1. S & S Worldwide \$685.00
2. Sports Supply \$780.14
3. No Bid

Item 46- Plastic Dome for Cotton Candy Machine 1 each =\$181.77

1. Sports Supply \$181.77
2. S & S Worldwide \$199.00
3. No Bid

Item 47- Cotton Candy Cones 1 Case =\$25.60

1. S & S Worldwide \$25.60
2. Sports Supply \$72.69
3. No Bid

Item 48- Cotton Candy Sugar 1 case =\$20.14

1. Sports Supply \$20.14
2. S & S Worldwide \$21.00
3. No Bid

Item 49- Popcorn Machine 1 each =\$590.00

1. S & S Worldwide \$590.00
2. Sports Supply \$606.23
3. No Bid

Item 50- Hula Hoops 36" 2 Dozen =\$42.00

1. S & S Worldwide \$21.00/dz
2. Sports Supply \$21.05/dz
3. United Supply \$28.57/dz

Item 51 Hula Hoops 24" 2 Dozen =\$30.00

1. S & S Worldwide \$15.00/dz
2. Sports Supply \$17.80/dz
3. United Supply \$21.43/dz

Item 52- Foam Hula Hoop Holders: Set of 12 4 sets =\$64.00

1. S & S Worldwide \$16.00/ 2 sets of 6
2. Gopher \$22.84/set of 12
3. Sports Supply \$35.06/ 2 sets of 6
4. United Supply \$33.27/ 2 sets of 6

Item 53- Backgammon 6 each =\$14.28

1. United Supply \$2.38/each
2. Flaghouse \$3.87/each
3. S & S Worldwide \$3.90/each

Item 54- Monopoly 6 each =\$85.80

1. S & S Worldwide \$14.30/each
2. United Supply \$15.06/each
3. Flaghouse \$15.84/each

Item 55- Memory 11 each =\$85.69

1. S & S Worldwide \$7.79/each
2. United Supply \$8.33/each
3. Flaghouse \$8.78/each

Item 56 - Outburst Juniors Game 9 each =No Bids
- Discontinued

Item 57- Trouble Board Game 7 each =\$42.91

1. United Supply \$6.13/ each (equal substitute)
2. S & S Worldwide \$10.89 each
3. Flaghouse \$12.68 each

Item 58- Sorry Board Game 5 each =\$80.95

1. S & S Worldwide \$16.19 each
2. United Supply \$17.33 each
3. Flaghouse \$18.32 each

Item 59- Chess 5 each =\$11.90

1. United Supply \$2.38/each
2. S & S Worldwide \$3.74/each
3. Flaghouse \$3.87/each

Item 60- Sequence 6 each =\$41.70

1. S & S Worldwide \$6.95 each
2. No bid

Item 61- Candyland Game 8 each =\$65.20

1. S & S Worldwide \$8.15 each
2. United Supply \$8.33 each
3. Sports Supply \$9.85 each

Item 62- Chutes & Ladders Board Game 8 each =\$64.00

1. S & S Worldwide \$8.00 each
2. United Supply \$8.33 each
3. Sport Supply \$9.15 each

Item 63- Connect 4 game 7 each =\$43.75

1. United Supply \$6.25 each (equal substitute)
2. S & S Worldwide \$14.50 each
3. Flaghouse \$16.91 each

Item 64- Boggle Game 5 each =\$72.80

1. S & S Worldwide \$14.56 each
2. United Supply \$16.33 each
3. Flaghouse \$17.26 each

Item 65- Uno Card Game 20 each =\$94.00

1. S & S Worldwide \$4.70 each
2. Flaghouse \$5.04 each
3. Gopher \$5.94 each

Item 66- Perfection Board Game 7 each =\$117.25

1. S & S Worldwide \$16.75 each
2. United Supply \$18.33 each
3. Flaghouse \$19.37 each

Item 67- Scattergories Game 9 each =\$237.60

1. S & S Worldwide \$26.40 each
2. United Supply \$28.00 each
3. Gopher \$31.94 each

Item 68- Checkers 8 each =\$19.04

1. United Supply \$2.38/each
2. Flaghouse \$2.67/each
3. S & S Worldwide \$2.74/ each

Item 69- Playing Cards 20 sets =\$11.40

1. S & S Worldwide \$0.57/set
2. United Supply \$0.68/set
3. Flaghouse \$16.06/ 12 sets

Item 70- Bingo Balls: equal to Gopher GP 12-341 5 sets =\$27.00

1. S & S Worldwide \$5.40/set (equal substitute)
2. Gopher \$19.54/set
3. No Bid

Item 71- Bingo Sets: cage, balls, card, plastic markers 4 each =\$30.96

1. United Supply \$7.74/ each
1. S & S Worldwide \$23.00/ each
2. Sports Supply \$122.33/ each

Police Consortium:

**2010 FORD CROWN VICTORIA
POLICE INTERCEPTOR MARKED VEHICLES
RESOLUTION**

WHEREAS, invitation to bid for the purchase of 2010 Ford Crown Victoria Police Interceptor Marked Vehicles was duly advertised, and

WHEREAS, said bids were received and opened on February 23, 2010, with the bid amount summarized as follows:

Warnock Automotive Inc. \$21,197.00
Country Ford-Mercury, Inc. \$21,219.00

RESOLVED, that the 2010 Ford Crown Victoria Police Interceptor Marked Vehicles bid is hereby awarded to Warnock Automotive Inc. , in the amount of \$21,197.00, the lowest responsible bidder.

2010 FORD CROWN VICTORIA
POLICE INTERCEPTOR UNMARKED VEHICLES
RESOLUTION

WHEREAS, invitation to bid for the purchase of 2010 Ford Crown Victoria Police Interceptor Unmarked Vehicles was duly advertised, and

WHEREAS, said bids were received and opened on February 23, 2010, with the bid amount summarized as follows:

Warnock Automotive Inc. \$21,860.00
Country Ford-Mercury, Inc. \$21,893.00

RESOLVED, that the 2010 Ford Crown Victoria Police Interceptor Unmarked Vehicles bid is hereby awarded to Warnock Automotive Inc., in the amount of \$21,860.00 , the lowest responsible bidder.

2010 FORD EXPEDITION SSV 4X4
MARKED & UNMARKED VEHICLES
RESOLUTION

WHEREAS, invitation to bid for the purchase of 2010 Ford Expedition SSV 4x4 Marked and Unmarked Vehicles was duly advertised, and

WHEREAS, said bids were received and opened on February 23, 2010, with the bid amount summarized as follows:

Warnock Automotive Inc. \$26,779.00
Country Ford-Mercury, Inc. \$26,888.00

RESOLVED, that the 2010 Ford Expedition SSV 4x4 Marked and Unmarked Vehicles bid is hereby awarded to Warnock Automotive Inc., in the amount of \$26,779.00, the lowest responsible bidder.

2010 FORD EXPLORER XLT 4X4
MARKED AND UNMARKED VEHICLES

RESOLUTION

WHEREAS, invitation to bid for the purchase of 2010 Ford Explorer XLT 4x4 Marked and Unmarked Vehicles was duly advertised, and

WHEREAS, said bids were received and opened on February 23, 2010, with the bid amount summarized as follows:

Country Ford-Mercury, Inc. \$21,752.00
Warnock Automotive Inc. \$21,777.00

RESOLVED, that the 2010 Ford Explorer XLT 4x4 Marked and Unmarked Vehicles bid is hereby awarded to Country Ford-Mercury, Inc., in the amount of \$21,752.00, the lowest responsible bidder.

2010 DODGE CHARGER MARKED AND UNMARKED VEHICLES RESOLUTION

WHEREAS, invitation to bid for the purchase of 2010 Dodge Charger Marked and Unmarked Vehicles was duly advertised, and

WHEREAS, said bids were received and opened on February 23, 2010, with the bid amount summarized as follows:

John Vance Motors, Inc. \$21,781.00
Warnock Automotive Inc. \$22,308.00

RESOLVED, that the 2010 Dodge Charger Marked and Unmarked Vehicles bid is hereby awarded to John Vance Motors, Inc., in the amount of \$21,781.00, the lowest responsible bidder.

9. BID REJECTION

CHAIN LINK FENCE BID REJECTION RESOLUTION

WHEREAS, invitation to bid for the Chain Link Fence was duly advertised; and

WHEREAS, said bids were received and opened on February 23, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights New York 10598; and

RESOLVED, that the Superintendent of Parks and Recreation, Jennifer Fava has recommended that all bids be rejected and that the matter be dealt with on a "project by project" basis following

the Town procurement policy.

10. PERSONNEL

APPOINTMENT

JEANNETTE KOSTER - TOWN ATTORNEY

RESOLUTION

BE IT RESOLVED, that Jeannette Koster is hereby appointed to the office of Town Attorney effective March 3, 2010 at an annual salary of \$110,000 and be it further resolved that the terms of Ms. Koster's employment shall include the following:

- Jeannette Koster shall be a full-time employee of the Town. The term full-time shall include at least seven hours per day, plus attendance at all evening Town Board Meetings and Work Sessions and such off-hour meetings/events as determined by the Town Supervisor.
- Jeannette Koster shall devote her full time and professional attention to her employment by the Town and shall not be permitted to engage in the outside practice of law, except for members of her immediate family, so long as she is serving as Town Attorney
- The term of Jeannette Koster's appointment as Town Attorney shall be at the pleasure of the Town Board
- It shall not be a requirement of this appointment that the Town Attorney reside in the Town of Yorktown
- Sick days, personal days, and floating holidays shall track the CSEA agreement
- Participation in medical/dental/vision benefits shall track the CSEA agreement
- Vacation entitlement is as follows:

During the first six months of employment 10 days

During the second six months of employment 10 days

Second year and beyond 20 days

11. RESOLUTIONS

Requests from the Engineering Dept:

PERFORMANCE BOND REDUCTION

ROUTE 6 OFFICE DEVELOPMENT SITE PLAN

RESOLUTION

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Liberty Mutual Insurance Company Performance Bond #837026790, in the amount of \$475,053.00, to serve as the Performance Bond for the Route 6 Office Development Site Plan, located on Route 6 and Mohegan Avenue, which was accepted at the Town Board Meeting of February 24, 2009; and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 180

in the amount of \$10,000.00 to serve as the Erosion Control Bond for the Route 6 Office Development Site Plan, which was deposited into the T33 account on November 21, 2008; and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 160 in the amount of \$10,000.00 to serve as the Erosion Control bond for the construction of three structures (only two have been built to date) and for the relocation of the driveway, for Planning Board Excavation Permit #E-008-08, which was deposited into the T33 account on October 22, 2008; and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 172 in the amount of \$500.00 to serve as the Erosion Control Bond for contaminated soil remediation, for Planning Board Excavation Permit #E-052-08, which was deposited into the T33 account on October 22, 2008; and

WHEREAS, Celestial Route 6 Associates, as Principal, provided the Town with Check No. 172 in the amount of \$6,000.00 to serve as the escrow monies for inspections of the site, which was deposited into the T90 account on October 22, 2008; and

WHEREAS, Celestial Route 6 Associates, as Principal, has requested monies be released as construction is complete; and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined public improvements have met Town requirements for the first two lots, but construction on the third lot is not yet complete, therefore, a bond reduction has been completed and all other securities held; and

WHEREAS, the Acting Town Engineer has said that the Performance Bond may be reduced by \$284,002.00 (\$475,053.00 - \$284,002.00 = \$191,051.00), NOW, THEREFORE BE IT RESOLVED, that said Performance Bond can be reduced to \$191,051.00; and BE IT FURTHER

RESOLVED, that all remaining monies will be held in full force and effect until all construction is completed.

**AUTHORIZE SUPERVISOR TO SIGN AGREEMENT
WITH WSP SELLS – SHERMAN COURT PROJECT
RESOLUTION**

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with WSP Sells for surveying and providing descriptions of the temporary easements for 13 properties on Oak Street, for the Sherman Court Project, for a fee of \$4,845.00.

Request from John C. Hart Library:

**APPROVE RFP FOR AN IN-DEPTH LOOK
AT THE LIBRARY'S HVAC SYSTEM
RESOLUTION**

RESOLVED that the Town Board authorizes the Library Director, Patricia Barresi, to request proposals for professional engineering services to prepare an assessment of the heating, ventilating and air conditioning system of the John C. Hart Library, Shrub Oak, NY.

Requests from Nutrition Center:

AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS
TITLE 111C-1, C-2, AND 111B FOR THE YEAR 2010
RESOLUTION

RESOLVED, that the Town Board authorizes the Town Supervisor to sign agreements for Title 111B program for the year 2010 for \$9,168.00 for transportation, Title 111C-1 in the amount of \$32,411 with an estimate of an additional \$12,386 (NSIP) Nutrition Services Incentive Program and Title 111C-2 in the amount of \$29,975 with an estimate of an additional \$26,192 (NSIP)

Requests from Police Chief:

APPROVE EXTENSION OF TOW BID
WITH YORKTOWN AUTO BODY
RESOLUTION

WHEREAS, bids for Tow Services for the Town of Yorktown were received and opened on February 17, 2009; and

WHEREAS, said bid was awarded to Yorktown Auto Body Works, Inc. for the provision of certain towing and emergency services in the Town of Yorktown; and

WHEREAS, the town has the option to extend said bid for two additional years in one-year increments; and

WHEREAS, said options shall be exercised by written notification from town not less than thirty (30) calendar days prior to the expiration of the License; and

WHEREAS, said bid date commenced March 24, 2009 through March 23, 2010, with additional years of 2011 and 2012; so, THEREFORE BE IT

RESOLVED, that the Bid for Tow Services for the Town of Yorktown is hereby extended for one year, per the terms of the bid. The dates of the extension will be March 24, 2010 through to March 23, 2011.

APPROVE EXTENSION OF
POLICE DEPT. UNIFORM CLEANING BID
RESOLUTION

WHEREAS, bids for Uniform Cleaning Services for the Police Department were received and

opened on February 11, 2009; and

WHEREAS, said bids were awarded to Rite Price Cleaners, the sole bidder; and

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

WHEREAS, said bid commenced March 1, 2009 through February 28, 2010 with additional years of 2011, 2012 and 2013; so, THEREFORE BE IT

RESOLVED, that the Uniform Cleaning Services Bid for the Police Department is hereby extended for one year, per the terms of the bid; and

FURTHER RESOLVED, the dates of the extension will be March 1, 2010 through to February 28, 2011.

APPROVE TRAINING FOR JAMES WATERHOUSE
COMMUNITY SERVICE WORKER/ANIMAL WARDEN
RESOLUTION

BE IT RESOLVED, that the Town Board hereby authorizes Community Service Worker James Waterhouse to attend a training seminar of the National Animal Control Association from April 12th through April 16th, 2010 in Windsor Locks, CT.

APPROVE STREET CRIMES TRAINING
RESOLUTION

BE IT RESOLVED, that the Town Board hereby authorizes the following 6 police officers to attend the 'Street Crimes Seminar' sponsored by John E. Reid and Associated, Inc. on May 3, 2010 in New Rochelle, NY:

Sergeant John LaPlaca
Police Officer Larry Eidelman
Police Officer Paul Grieve
Police Officer Matthew Iacona
Police Officer Kathryn McGuire
Police Officer William Olli

FURTHER RESOLVED, their attendance at this one day training will not create any overtime for the attendees nor create any overtime backfill for their absences.

Requests from Town Board:

APPROVE MEDIA POLICY

RESOLUTION

RESOLVED, as part of this administration's commitment to an open and transparent government, the Town Board encourages all department heads to cooperate with the media by answering questions and providing appropriate background information regarding their department's operations;

FURTHER RESOLVED, such contacts should be limited to discussing facts, devoid of confidential information, personal judgments or opinions. Comments on policy or procedures should come from the Town Board;

FURTHER RESOLVED, any questions or concerns dealing with a specific issue or a controversial issue are to contact the Supervisor's office.

MORATORIUM ON CON EDISON TRANSMISSION LINE CUTTING RESOLUTION

WHEREAS, the Yorktown Town Board has received numerous complaints from property owners throughout the Town of Yorktown on whose property, or adjacent to whose property, Consolidated Edison Company of New York, Inc., ("Con Edison") has an easement or right-of-way for the erection and maintenance of high voltage towers and wires, concerning the cutting and/or removal of trees and other vegetation thereon by Con Edison and/or by contractor(s) hired by Con Edison for that purpose; and

WHEREAS, Con Edison has asserted that its tree clearing activities are mandated by rules adopted by the New York State Public Service Commission ("PSC") "Requiring Enhanced Transmission Right of Way Management Practices by Electric Utilities" in Case 04-E-0822 issued and effective June 20, 2005 ("PSC's Rules"); and

WHEREAS, the tree clearing activities allegedly mandated by the PSC's Rules have been implemented in an arbitrary and intermittent manner; and

WHEREAS, Con Edison's interpretation and implementation of PSC's Rules has resulted in the unlawful and unreasonable cutting of trees in such a way that often amounts to unnecessary clear-cutting, excessive and unsightly debris piles, and extreme vegetation removal that exposes bare soil in the entire easement area and beyond resulting in a "scorched earth" appearance (hereinafter referred to as "Scorched Earth Practice"); and

WHEREAS, Con Edison has not provided adequate public notice of its plans to implement the PSC Rules, including failure to properly survey affected properties and failure to communicate with affected property owners regarding the work that is to be performed by contractors of Con Edison; and

WHEREAS, a lack of an appropriate communication and complaint handling protocol between Con Edison, its contractors, PSC and the public has caused significant frustration and

exacerbated the problem; and

WHEREAS, the PSC has failed to properly oversee Con Edison's implementation of its transmission vegetation management plan, resulting in unnecessary economic, environmental, and aesthetic harm to numerous property owners and communities; and

WHEREAS, the PSC's Rules were not accompanied by a fair and adequate environmental review, as only a limited, inaccurate review was conducted, with little notification to the affected public; and

WHEREAS, the PSC's Rules remain unrevised, even though the North American Electric Reliability Corporation ("NERC"), under authority provided by Congress in the Energy Policy Act of 2005, has developed national transmission vegetation management standard FAC-003-1 in 2007 and as of January 2010 is reviewing a revised standard FAC-003-2; and

WHEREAS, the Yorktown Town Board has consulted with experts that believe that given the size and location of many of the trees being removed, the trees are not now, nor in the future, likely to reach or otherwise interfere with Con Edison's transmission lines and towers; and

WHEREAS, the Yorktown Town Board believes that the PSC's Rules, to the extent the Rules actually mandate the Scorched Earth Practice being employed by Con Edison and/or Con Edison's interpretation of the regulations far exceed those steps reasonably required to protect Con Edison's transmission assets and the legitimate public interest in maintaining an uninterrupted flow of power through the region; and

WHEREAS, the Yorktown Town Board believes that Con Edison's scorched earth practice, as it is being implemented in Westchester County's densely populated suburban communities, violates the real property rights of the immediately affected property owners and otherwise adversely affects the legitimate land use interests of the residents of Westchester County, resulting in unsightly visual impacts, unnecessary and uncontrolled erosion due to denuded land, and the virtual decimation of carefully planned and maintained buffers; and

WHEREAS, there are equally important town, county and state laws that must be enforced and honored, which regulate land usage, zoning, permits, land preservation, easement agreements, trespassing outside of legal easements and right-of-ways, that are being violated and ignored by the Public Service Commission and Con Edison in the adoption and implementation of this Scorched Earth Practice; and

NOW THEREFORE BE IT RESOLVED, that the Yorktown Town Board demands that the New York State Public Service Commission direct Con Edison to immediately cease its Scorched Earth Practice, until such time as there has been a full, open public examination by the PSC, within the communities affected, as to the conditions that exist and the management steps required to be taken in Westchester County, to ensure compliance with town, county and state law and to revisit the PSC Rules as being interpreted by Con Edison and to make adjustments to same so that certain goals can be achieved, including but not limited to (i) preservation of non-offensive vegetation, (ii) control of erosion and run-off, (iii) retention and maintenance of sight

lines and integrity of the residential appearance, (iv) retention and maintenance of vegetation providing noise abatement, (v) preservation of woodland and wetland habitats to the greatest extent possible, (vi) avoidance of herbicide use for vegetation management, but if required, that only herbicides approved by NYS DEC for use along wetlands and watercourses be utilized, and (vii) compliance with local and state laws; and be it further

RESOLVED, that Con Edison should further be directed to implement a full mitigation plan, establish a proper plan of public notification of future work sites, establish a management plan that requires it to properly remove and dispose of all debris generated by its clearing and/or cutting activities within three weeks, including but not limited to the remnants of any tree cut or cleared from its easements or other right-of-ways, as well as to develop a replanting plan whereby any tree removed as undesirable is replaced with a more desirable and right-of-way compatible species and not by seedlings but rather more mature trees. Such replanting plan should apply both going forward and to those areas already affected by Con Edison's clearing activities; and be it further

RESOLVED, that Congress enact legislation requiring the North American Electric Reliability Corporation to include proper environmental review, dispute resolution, and mitigation and restitution measures in the revision of its transmission vegetation management standard; and be it further

RESOLVED, that the Town of Yorktown Attorney is requested to see what actions can be taken with regard to the PSC's Rules and the way these have been implemented in Westchester County and to take whatever actions may be necessary to achieve the goals stated herein, including but not limited to initiating litigation against Con Edison or bringing a proceeding against the Public Service Commission on behalf of the Town of Yorktown citizens; and be it further

RESOLVED, that the Town of Yorktown Clerk be and is hereby authorized and directed to send a certified copy of this resolution to U.S. Senators Charles Schumer and Kirsten Gillibrand; U.S. Representative John Hall; New York State Governor David Paterson; New York State Senator Vincent L. Leibell, III; New York State Assembly Member Gregory Ball; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of New York State Senate and Assembly; Westchester County Executive Robert Astorino, Westchester County Board of Legislators Chairman Kenneth Jenkins, Westchester County Legislators Michael Kaplowitz and John Testa, Chairman Kevin Burke of Consolidated Edison, Inc.; the New York State Public Service Commission; the New York State Department of Environmental Conservation and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

APPROVE CERTIORARI SETTLEMENT
CHASE FAMILY PARTNERSHIP
RESOLUTION

RESOLVED, that the tax certiorari proceeding relating to Chase Family Partnership, (48.11-1-50) located at 1520 Front St., in the Town of Yorktown, be corrected and accepted by the

Yorktown Town Board as per the attachment.

APPROVE CERTIORARI SETTLEMENT
OHUNKI MEDICAL OFFICE BUILDING
RESOLUTION

RESOLVED, that the tax certiorari proceeding relating to Ohunki, Namhee Trust, (37.14-2-34) located at 2048 Saw Mill River Rd., in the Town of Yorktown, be corrected and accepted by the Yorktown Town Board as per the attachment.

WAIVE LATE FEE ON PAYMENT OF WATER BILLS
DUE TO STATE OF EMERGENCY DECLARATION
RESOLUTION

WHEREAS, Supervisor Susan Siegel declared a State of Emergency on Friday, February 26, 2010 from 1:a.m. to 9:00 p.m.; and

WHEREAS, under the terms of the State of Emergency, all travel on the roadways in the Town of Yorktown was restricted to emergency vehicles, town highway vehicles, utility vehicles and essential emergency personnel; and

WHEREAS, due to the State of Emergency, Town Hall was closed on Friday, February 26, 2010 which was the last day that residents could pay their quarterly water bill without being subject to a late fee;

THEREFORE BE IT RESOLVED, that the Town Board waives the late fee for all water bills due on Friday, February 26, 2010 that are paid by the close of business on Monday, March 1, 2010.

Request from Town Clerk

APPROVE COMMERCIAL GARBAGE LICENSE
MID HUDSON WASTE, INC.
RESOLUTION

RESOLVED, that Mid Hudson Waste, Inc. be and is hereby granted renewal of their garbage license for commercial properties only in the Town of Yorktown for the year 2010.