

Regular meeting held by the Town Board,  
On June 5, 2012, held at the Town Hall, 363 Underhill Avenue,  
Yorktown Heights, NY 10598

Present: Michael J. Grace, Supervisor  
Terrence Murphy, Councilman  
Nicholas Bianco, Councilman  
Vishnu Patel, Councilman  
David Paganelli, Councilman  
Diana L. Quast, Deputy Town Clerk

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, to move into Executive Session to discuss a personnel issue.

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

#### PLEDGE OF ALLEGIANCE

Eagle Scout Stephen Anderson 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 Grace welcomed everyone to the June 5, 2012 Town Board meeting.

#### DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that there have been problems with the video and audio equipment in the Town Meeting room. It will hopefully be fixed very shortly.

Councilman Murphy thanked everyone who participated in the Memorial Day Parade.

Councilman Patel introduced Yorktown Students Laura Anderson, Priya Mohindra for being chosen to attend the Intel International Science and Engineering Fair.

#### APPROVE RESOLUTIONS FROM THE MAY 15, 2012 TOWN BOARD MEETING RESOLUTION #216

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

Resolved, that the Town Board Meeting Resolutions for May 15, 2012 are approved by the Town Board.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted.

APPOINTMENT LIBRARIAN II – KATHLEEN SCANLON  
RESOLUTION #217

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

BE IT RESOLVED, that Kathleen Scanlon is hereby appointed Librarian II, job class code 0223-01, from Eligible List No. 64-486, in the Library Department, effective May 30th, 2012, to be paid from Yorktown CSEA Salary Schedule A, Group 14, Step 3, which is \$64,412.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on May 30th, 2012.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted.

ANTHONY ROMANO – FORMER CHAIR ABACA  
PRESENTATION

Honoring Anthony Romano, Former Chairman and Co-Chairman of ABACA

Supervisor Grace stated that Mr. Anthony Romano has done an incredible job on ABACA for the last twenty years. He thanked Anthony for all his hard work. The Town Board presented Mr. Anthony Romano with a Certificate of Appreciation.

Supervisor Grace read the following Proclamation:

*WHEREAS the Yorktown Community benefits from the strengths, concern, hard work and commitment of those individuals serving the Town of Yorktown; and*

*WHEREAS today we are gathered here to honor Anthony Romano for his twenty years of service to the Advisory Board on Architectural and Community Appearance and his contribution to a long line of distinguished ABACA Chairs this Town has been lucky to have; and*

*WHEREAS Anthony has selflessly given his time and talents on behalf of the Town, sparring with, lawyers, engineers, planners and developers all in the name of community character and growth; and*

*NOW BE IT HEREBY RESOLVED, that it is with great pride that I, Michael J. Grace, along with the Town Board of the Town of Yorktown extend our warmest thanks for all you, Anthony Romano, has done for our Town and in order to appropriately and fittingly show that gratitude we hereby proclaim today, Tuesday, June 5, 2012 as:*

***“Anthony Romano Day”***

*in the Town of Yorktown, and we urge all residents to join their fellow residents in marking this observance.*

Mr. Anthony Romano Thank Supervisor Grace for his kind words and many Town Boards for their support.

CIRCOLO DA VINCI SCHOLARSHIP WINNERS  
PRESENTATION

The Town Board recognized the following Circolo da Vinci Scholarship Winners and presented them with Certificates.

Amanda Buonagurin, Courtney Cook, Jena Lynne DiFrisco, Victoria Esser, Timothy M. George, Thomas Menton, Cara Natale, Vincenzo Recine, Meaghan Skelly, Angelica Staib.

COURTESY OF THE FLOOR

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

Mr. Howard Frank spoke about the annual drinking water report. He would like to see the financial reports to compare them from year to year. He stated that a new water meter was installed into his home and the job was done very sloppy. He had a lot of concerns with the new meters and how it was installed.

Supervisor Grace stated that he will look into the issue.

Mr. Aaron Bock stated that he was speaking for the Citizens for a DPW. He asked to meet with the Town Board at a work session to discuss getting a referendum on the November ballot to create a DPW. He gave the Deputy Town Clerk copies of a petition signed by residents who support having a referendum on the November ballot. A copy of Mr. Bock's comments are on file in the Town Clerk's Office.

Mr. William Pasquale stated that he does not think that creating a DPW will save money. People have a personal issue with the Highway Superintendent. He is against creating a DPW.

Mr. Joseph Bonnano asked if the Town has addressed concerns about the backflow issues he has expressed at several meetings.

Mr. David Goldberg echoed Mr. Bonanno's comments.

Supervisor Grace stated that he was working on a proposed draft local law amending Chapter 280 of the Code with respect to these issues.

Mr. Nick Witkovich stated that he wants to know how the Town Board planned to deal with building permit application that his neighbor has applied for. He wants to construct a pole barn attached to his house. Mr. Witkovich stated that this violates the court decision.

Councilman Bianco stated that he would look into the matter.

Supervisor Grace said he hadn't had a chance to review Mr. Witkovich's earlier email.

Mr. Chris Sciarra stated that he would like the town to acknowledged work that residents do around town to help out. He noted that he has done over \$2,000 worth of work at the John C. Hart Memorial Library.

Mr. John Olivieri spoke about snow removal on Heritage Court.

Supervisor Grace stated that said “we’ll look at it.” During the second Courtesy of the Floor, when Jane Daniels, another member of the Committee, asked the Board to place the item on the June 12<sup>th</sup> work session agenda, both Supervisor Grace and Councilman Paganelli said that an afternoon informational meeting to which all the players could be invited, and similar to the Route 202 corridor meeting that had been held in January, would be more appropriate. Supervisor Grace said that Yorktown was different from other towns because it has sewer and water districts and that there were also issues as to whether the engineering department should be part of a DPW, adding that he had an “open mind” on the issue. William LaScala spoke against a DPW, saying that he never heard of a scheme that saved money. He said the people proposing the DPW had a personal agenda and were citing junk science.

PUBLIC HEARING - REQUEST A CHANGE OF ZONE – THE WINERY AT ST. GEORGE SECTION 15.12, PARCEL 2, LOT 53 FROM R-120 TO A TRANSITIONAL ZONE

Supervisor Grace reconvened the public hearing to consider the application of the Winery at St. George, pertaining to a request to amend the Town of Yorktown Zoning Ordinance and Zoning Map, and, for related land use as it pertains to lands located at 1715 East Main Street, the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.12 Parcel 2, Lot 53 totaling approximately .75 acres. The petition is for Rezoning of the subject property from the R1-20 Zoning District into the Transitional District. The Deputy Town Clerk presented affidavits of posting and publication.

Deputy Town Clerk Diana L. Quast advised the Town Board that since the last Public Hearing for the Winery at St. George other comments were received.

Supervisor Grace read a letter from the Recreation Commission regarding creating a wetlands park on the property located behind the Winery at St. George. A copy of which is on file in the Town Clerk’s office for the public to review.

Supervisor Grace stated that the Town is the owner of approximately fourteen (14) acres of property behind the Winery at St. George and the proposed parking will give access to this property. He noted that allowing businesses to utilize this parking area is not an alienation of parkland. The parking area will be gravel.

Supervisor Grace also explained that the Town’s wetlands law is a prohibitive law and allows activities in a wetland or a wetland buffer.

Mr. John Schroeder stated that it would be nice to see the parcel become a wetlands park, he felt that the Recreation Commission’s has always been focused on active recreation.

Mr. Jeff Econom stated that the plantings recommended by the Conservation Board for the Route 6 swale (see earlier notes) were not suitable because of road salt. He said the plantings for the rear of the parcel will be detailed on the site plan.

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

REZONE SECTION 15.12, PARCEL 2, LOT 53 FROM R-120 TO A TRANSITIONAL ZONE  
THE WINERY AT ST. GEORGE  
RESOLUTION #218

WHEREAS, Old St. Georges, LLC, (applicant) by and through its president and CEO Thomas DeChiaro, applied for a transitional zoning designation for an 0.22 acre parcel located on Route 6 in the Mohegan Lake area of the Town of Yorktown; and known as Section 15.12 Block 2 Lot 53 of the Town tax map (“the Property”); The proposed development of the site is to allow a restaurant and associated parking, landscaping, wetland mitigation, and stormwater (i.e., restaurant); and

WHEREAS, the applicant has represented to this board that Old St. Georges, LLC is the lawful owner of said lot; and

WHEREAS, the site is currently zoned R1-20 half acre single-family residential zone; and

WHEREAS, the Applicant originally applied for a rezone to the C-2 Commercial district, however public comment and recommendations from the Town Board and Planning Board suggested the site was better suited for the transitional zone; and

WHEREAS, on March 16, 2012 the site was listed on the New York State Register of Historic Places and on May 8, 2012 the site was listed on the National Register of Historic Places; and

WHEREAS, the Town Board created the transitional zone designation specifically for properties located between two incompatible land uses, such as single-family residential and commercial uses; In creating the transitional zone the Town Board intended to provide a zoning district that affords the Board flexibility to rezone these parcels to a use that is compatible with the surrounding existing uses and allows for viable development; The transitional zoning designation considers the unique characteristics of the subject parcel and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Old St. Georges, LLC parcel qualifies as a targeted property for a transitional zoning designation as defined in Article XVII of Chapter 300 of the Town Code in that:

1. The subject site acts as a buffer between residential uses and a major traffic route; and
2. The applicant sufficiently demonstrated that the present R1-20 zoning of the subject site is not compatible with the existing structure and surrounding uses; Bordering the site to the north the site fronts on the major thoroughfare of Route 6; Across Route 6 is a single-family residential zone; To the west, the site is bordered by commercial properties in the C-2 and C-3 zoning districts; To the south and east, the site is surrounded by town

owned open space in the single family residential zone; Further to the south and east are single family residential neighborhoods; The existing structure may not be demolished as the site is listed on the New York State Register of Historic Places; To restrict the development of the subject site to the permitted uses of a R1-20 zone would require the renovation of the existing church building to a residence; and

WHEREAS, pursuant to SEQRA:

1. The Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as a Type I action.
2. The Town Board is the sole approval authority and lead agency for carrying out the procedural requirements of the SEQRA regulations.
3. The Town Board hereby adopts a negative declaration on the basis of a Long EAF dated May 30, 2012 finding the proposed action will not significantly affect the environment.

WHEREAS, the applicant has submitted as part of his application the following maps and documents:

1. A survey prepared by Big Apple Land Surveyors, P.C. dated January 24, 2011; and
2. A map, Sheet 1 of 3, entitled "Proposed Parking Plan for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised May 18, 2012; and
3. A map, Sheet 2 of 3, entitled "Proposed Parking Plan for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised May 18, 2012; and
4. A drawing, Sheet 3 of 3, entitled "Details for Thomas DeChiaro," prepared by Jeffrey A. Econom, P.E., dated September 26, 2010 and last revised May 18, 2012; and
5. An undated and untitled drawing of the proposed access easement layout received by the Town Attorney from Jeffrey A. Econom, P.E. on June 2, 2012.

WHEREAS, the Town Board has referred this application to the following boards and agencies and has received and considered reports of the following:

<u>Boards &amp; Agencies</u>	<u>Report Date</u>
ABACA	03/20/12
Conservation Board	03/23/12, 04/27/12, 05/30/12
Open Space Committee	05/25/12
Planning Board	04/30/12
NYS DEC	04/02/12
NYS DOT	04/25/12
NYS OPRHP	03/16/12

and;

WHEREAS, pursuant to Article XVII of Chapter 300 of the Town Code, the Town Board hereby finds the following:

1. The proposed use of the subject site is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
2. The proposed use is compatible with the environmental constraints of the site
3. The use of the subject site cannot be accommodated by the existing zoning or by an existing zoning classification;
4. The subject site is abutting a major traffic route and buffers residential uses; and
5. The proposed intensity of use of the site and/or the planned density will not exceed the standards of use of the most restrictive nonresidential zoning district as exists under this Code which otherwise could be applied to the site; and

WHEREAS, the Applicant has obtained a license from the New York State Department of Transportation (NYSDOT Property) to construct additional parking spaces within the Route 6 Right of Way, shown on submitted survey of property as Lot A, consisting of 8,840.3 square feet and as shown on the site plan;

WHEREAS, the Applicant has offered to construct an improvement on the adjacent Town-owned property consisting of the construction of 12 parking spaces, a proposed grape trellis and patio, and wetland mitigation as shown on the site plan on the Town owned parcel known as Section 15.12 Block 2 Lot 52 of the Town tax map, for the sole purpose of public access to the town owned property; and

WHEREAS, the Town acquired the parcel known as Section 15.12 Block 2 Lot 52 of the Town tax map and formerly known as the Ardizzone Property, with the intent to preserve it as park land; and

WHEREAS, the proposed configuration of the site, as shown on the site plan, including the parking areas and connections on the Applicant's property, the Town-owned property, and the NYSDOT property was determined by Town agencies to be the most efficient and safe configuration of parking that could be achieved on the sites; and

WHEREAS, the preferred configuration of the site necessitates access by the public through the Applicant's site to reach the Town-owned property and access by the Applicant through the Town-owned property to reach the NYSDOT property, and therefore the Town requires an easement from the Applicant across the Applicant's property and the Applicant requires a revocable non-exclusive license for the maintenance of the public parking area; and

WHEREAS, the construction by the Applicant of the proposed improvements requires the Town to grant a temporary construction license to the Applicant; and

WHEREAS, the Town Board having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application at Town Hall in Yorktown Heights, New York, commencing on May 15, 2012, and reconvening on June 5, 2012; and having closed such hearing on June 5, 2012;

BE IT HEREBY RESOLVED, that the request for rezoning of the subject parcel from R1-20 (half-acre single-family residential) zone to a transitional zone is hereby granted with the following conditions:

1. Applicant shall grant an easement to the Town for access through and around the back of Applicant's property to enable the public to reach the public parking lot to be constructed on the Town-owned parcel;

BE IT HEREBY RESOLVED, the use, density, setback and area and bulk requirements for the subject site shall be as follows:

PERMITTED MAIN USES:

1. Restaurant as defined by the Town Code;

MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. None.

PERMITTED ACCESSORY USES:

1. None.

SCHEDULE OF REGULATIONS:

TRANSITIONAL ZONE PROPOSED BULK REGULATIONS

Lot area	.73 acres
Lot width at front line of bldg	220.0 ft.
Front yard	21.9 ft.
Side yard	28.6 ft. at western side; 104.0 ft. at eastern side
Rear yard	54.0 ft.
Maximum height	2 ½ stories; 35 ft. max
Maximum coverage	7.0 %
Required off street parking	39 parking spaces as required by Town Code Section 300-182 (A)(5); 23 spaces are shown on the Applicant's property and 21 spaces are shown on NYS DOT right-of-way property

RESOLVED, the Applicant shall be responsible for the maintenance of the parking area on the Town-owned parcel, including maintenance of the proposed gravel parking spaces, ,

curbs, lighting, landscaping, drainage, snow and ice removal, and litter and garbage removal to the standards of the Highway Superintendent; and

RESOLVED, the Applicant shall be responsible for the maintenance of the improvements constructed within the NYS DOT right-of-way parcel as shown on the site plan; and

RESOLVED, the Applicant will retain an Environmental Systems Planner to supervise and be present during the construction of the erosion control measures, which Environmental Systems Planner will provide weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector throughout construction; and

RESOLVED, that for any site disturbance of 5,000 square feet or more and/or all construction activities that move 50 cubic yards or more of soil material within the Town of Yorktown, the Applicant must comply with the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

BE IT FURTHER RESOLVED, that site plan approval is hereby granted to Old St. Georges LLC, for the restaurant in the existing converted church structure on the subject premises as shown on the plans enumerated above. The site shall be improved as per the latest revised drawings listed above and pursuant to the following conditions:

1. The primary use of the subject Property shall be limited to a restaurant in the existing structure as shown on the site plan enumerated above;
2. The bulk regulations, as established by the Town Board herein, shall be met by the proposed development. Any aspect of the development exceeding the requirements established herein, or any other applicable regulations established by the Town Code site plan shall require an amended approval from the Town Board.
3. Any deviation from the final approved site plan shall require an amended approval from the Town Board.
4. Applicant must obtain and Stormwater Permits from the Town of Yorktown pursuant to Chapter 248 of the Town Code, and any permits required from any State Agency , for the approved site plan, including the parcel owned by the Town.
5. Grant an access easement in a form satisfactory to the Town Attorney, for public access through the Applicant's property for the benefit of the Town of Yorktown to access the Town owned land.
6. Indicate the treatment for the parking lot area that is proposed outside the existing limit of disturbance line.
7. Clearly indicate with labels on the site plan where the level lip spreader detail is to be installed.
8. Add a detail for the brick pavers to be installed in the handicapped parking spaces.

9. Prior to the release of the signed site plan, submission of a landscape plan satisfactory to the Town Board, based on the recommendations of ABACA, which shall include a list of plants based on the recommendations of the Conservation Board's memo dated May 30, 2012.
10. Submission of a statement signed by the Town's Tax Receiver that all taxes due on this parcel have been paid.
11. Submission of the following fees and security to the Engineering Department as required by the Town Engineer: Erosion Control Bond, Performance Bond, and Inspection Fee. Fees to be determined after approval and a complete final set of drawings are submitted to the Town Engineer.
12. A final site plan signed by the Town Supervisor must be obtained prior to issuance of building permit.
13. Applicant must submit final plans and as-builts in AutoCAD DWG readable format.
14. Proposed plan must comply with all currently applicable ADA standards.
15. Applicant must obtain all necessary permits from outside agencies in order to complete project.
16. Upon completion of site work, Applicant shall apply for a permanent certificate of occupancy.

BE IT FURTHER RESOLVED, that unless a building permit has been issued within 360 days of the date of this resolution this approval will be null and void.

PUBLIC HEARING - PROPOSED LOCAL LAW AMENDING CHAPTER 300 – ADDING HELISTOPS AS AN ACCESSORY USE IN AN OB DISTRICT

Supervisor Grace called to order a public hearing to to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” to add helistops as an accessory use in OB districts subject to certain standard. The Deputy Town Clerk presented affidavits of posting and publication.

Councilman Bianco stated that the area by the IBM Watson Research Center is an alternate flight path for Westchester County Airport.

Supervisor Grace stated that IBM already uses the site across Route 134 for helicopters to land.

Councilman Paganelli stated that he has a concern that the helistop would be between a day care center and a glass building.

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



Article V entitled “Schedule of Regulations” to allow indoor recreation as a permitted main use in the I-1 Light Industrial Park District. The Deputy Town Clerk presented affidavits of posting and publication.

Planning Director John Tegeder stated that outdoor recreation is allowed in the I-1 Light Industrial Zone and Indoor Recreation should be permitted as well.

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

EAF- SEQRA –PROPOSED LOCAL LAW AMENDING CHAPTER 300, ZONING WITH RESPECT TO ARTICLE V ENTITLED SCHEDULE & REGULATIONS TO ALLOW INDOOR RECREATION AS A PERMITTED MAIN USE IN THE I-1 LIGHT INDUSTRIAL PARK DISTRICT  
RESOLUTION #221

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

WHEREAS, the Town Board is considering legislation amending the Zoning Code of the Town of Yorktown with respect to Article V of Chapter 300 to allow indoor recreation as a permitted main use in the I-1 Light Industrial Area; and

WHEREAS, a short-form EAF has been submitted to the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the EAF, declares lead agency, determines that the proposed local law is an unlisted action under SEQRA, determines that there will be no significant adverse environmental impact as a result of this action and issues a negative declaration, and authorizes the Supervisor to sign the short-form EAF.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

LOCAL LAW #4 OF 2012  
AMENDING CHAPTER 300, ZONING WITH RESPECT TO ARTICLE V ENTITLED SCHEDULE & REGULATIONS TO ALLOW INDOOR RECREATION AS A PERMITTED MAIN USE IN THE I-1 LIGHT INDUSTRIAL PARK DISTRICT  
RESOLUTION #222

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

WHEREAS, a public hearing was held on the 5<sup>th</sup> day of June 2012 pursuant to notice duly published as required by law to allow indoor recreation as a permitted main use in the I-1 Light Industrial Park District.

RESOLVED, that Local Law #4 of the year 2012, 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:

Supervisor Grace	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #4/2012 was thereupon declared adopted.

PUBLIC HEARING

LOCAL LAW AMENDING THE ZONING CODE WITH RESPECT TO ARTICLE VII TO REMOVE RESIDENCY REQUIREMENTS FROM THE ELIGIBILITY REQUIREMENTS FOR CERTAIN AFFORDABLE HOUSING UNITS, AND TO CONFORM THE REQUIREMENTS HEREIN TO THOSE IN CHAPTER 102 AFFORDABLE HOUSING

Supervisor Grace called to order a public hearing to to consider a proposed local law to remove residency preferences from the eligibility requirements for certain affordable housing units and to conform the requirements herein to those in Chapter 102 Affordable Housing. The Deputy Town Clerk presented affidavits of posting and publication.

Mr. Ken Belfer, Community Housing Board Chair stated that the law had to be amended in order to delete local preferences because it was mandated by the consent decree which resolved a lawsuit involving the Town’s Section 8 program. Other amendments were made to update the law.

Mrs. Maura Gregory spoke in favor of the proposed local law.

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

EAF- SEQRA –PROPOSED LOCAL LAW AMENDING THE ZONING CODE WITH RESPECT TO ARTICLE VII TO REMOVE RESIDENCY REQUIREMENTS FROM THE ELIGIBILITY REQUIREMENTS FOR CERTAIN AFFORDABLE HOUSING UNITS, AND TO CONFORM THE REQUIREMENTS HEREIN TO THOSE IN CHAPTER 102 AFFORDABLE HOUSING  
RESOLUTION #223

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

WHEREAS, the Town Board is considering legislation amending the Zoning Code of the Town of Yorktown with respect to Chapter 300, Section 300-39 to remove residency from the eligibility requirements for certain affordable housing units, and to conform the requirements herein to those in Chapter 102 Affordable Housing; and

WHEREAS, a short-form EAF has been submitted to the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the EAF, declares lead agency, determines that the proposed local law is an unlisted action under SEQRA, determines that there will be no significant adverse environmental

impact as a result of this action and issues a negative declaration, and authorizes the Supervisor to sign the short-form EAF.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

LOCAL LAW #5 OF 2012  
AMENDING THE ZONING CODE WITH RESPECT TO ARTICLE VII TO REMOVE  
RESIDENCY REQUIREMENTS FROM THE ELIGIBILITY REQUIREMENTS FOR  
CERTAIN AFFORDABLE HOUSING UNITS, AND TO CONFORM THE REQUIREMENTS  
HEREIN TO THOSE IN CHAPTER 102 AFFORDABLE HOUSING  
RESOLUTION #224

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

WHEREAS, a public hearing was held on the 5<sup>th</sup> day of June 2012 pursuant to notice duly published as required by law to

RESOLVED, that Local Law #5 of the year 2012, 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:

Supervisor Grace	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Councilman Paganelli	Voting	Aye

Local Law #5/2012 was thereupon declared adopted.

PUBLIC HEARING  
PROPOSED LOCAL LAW AMENDING

Supervisor Grace called to order a public hearing to consider a proposed local law adding a new Chapter 68, entitled “Procurement for Goods and Services.” The Deputy Town Clerk presented affidavits of posting and publication.

Councilman Murphy took issue with an unspecified item that appeared in an unspecified publication that was critical of the Town for not fulfilling its financial responsibilities. Supervisor Grace also said he resented an editorial that appeared in a local paper that criticized his handling of an emergency board meeting that the public was not informed about, adding that he was not hiding anything from the public.

Supervisor Grace explained that new state enabling legislation gave the Town the ability to award bids based on “best value” as opposed to “the lowest responsible bidder. Sometimes, he said, the lowest bidder isn’t the best, and the state has finally recognized that. He also said that sometimes it was not cost effective to go out to bid.

Comptroller Joan Goldberg explained that the Town has always been following “best value” guidelines but that the state has finally caught up to what Yorktown and other towns are doing. This is nothing new, she said. She also corrected Councilman Paganelli’s statement that staff

had to travel to Home Depot to save a few pennies instead of buying at Mitchell Hardware. Not true, she said.

Commenting on the process leading up to the hearing, Susan Siegel (the person writing this summary) said that because the board had not discussed drafts of the law at prior open meetings, the public had no idea what the law contained, why it was needed and how it would impact on taxes. In response to her comments asking the board to explain why the price threshold for bids had been increased, Ms. Goldberg explained that the thresholds in the existing Procurement Policy (adopted by resolution, not a local law) were not being changed and that the best value law only applied to bids that exceeded the state price thresholds. Ms. Siegel also questioned the subjectiveness of how best value could be determined.

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

EAF- SEQRA –PROPOSED LOCAL LAW AMENDING THE ZONING CODE WITH RESPECT TO ARTICLE VII TO REMOVE RESIDENCY REQUIREMENTS FROM THE ELIGIBILITY REQUIREMENTS FOR CERTAIN AFFORDABLE HOUSING UNITS, AND TO CONFORM THE REQUIREMENTS HEREIN TO THOSE IN CHAPTER 102 AFFORDABLE HOUSING RESOLUTION #225

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

WHEREAS, the Town Board is considering legislation by adding Chapter 68 to the Code of the Town of Yorktown entitled “Procurement for Goods and Services”; and

WHEREAS, a short-form EAF has been submitted to the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the EAF, declares lead agency, determines that the proposed local law is an unlisted action under SEQRA, determines that there will be no significant adverse environmental impact as a result of this action and issues a negative declaration, and authorizes the Supervisor to sign the short-form EAF.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

LOCAL LAW #6 OF 2012  
ADDING A NEW CHAPTER TO THE CODE OF THE TOWN OF YORKTOWN ENTITLED  
“PROCUREMENT FOR GOODS AND SERVICES.”  
RESOLUTION #226

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

WHEREAS, a public hearing was held on the 5<sup>th</sup> day of June 2012 pursuant to notice duly published as required by law adding a new Chapter 68, entitled “Procurement for Goods and Services.”

RESOLVED, that Local Law #6 of the year 2012, 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:

Supervisor Grace	Voting Aye
Councilman Bianco	Voting Aye
Councilman Murphy	Voting Aye
Councilman Patel	Voting Aye
Councilman Paganelli	Voting Aye

Local Law #6/2012 was thereupon declared adopted.

SET PUBLIC HEARING EMINENT DOMAIN PROCEEDINGS AND REQUEST FOR A WETLANDS PERMIT RELATED TO THE TOWN OF YORKTOWN'S BAPTIST CHURCH ROAD REHABILITATION PROJECT  
RESOLUTION #227

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

TAKE NOTICE that, pursuant to authority granted to the Town by Town Law § 64(2), the Highway Law and the Eminent Domain Proceedings (EDPL) Law, the Town of Yorktown hereby gives notice of a public hearing pursuant to EDPL § 202 as follows:

A public hearing will be held by the Town Board on July 17, 2012, the Legacy Fields at Strang Boulevard and Woodlands Drive, Yorktown Heights, New York, 10598 at 6:00PM or as soon thereafter can be heard, or in the case of inclement weather, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, regarding the reconstruction and repair of two culverts under Baptist Church Road, Yorktown Heights, NY, and the full-depth restoration and repavement of the roadbed above the culverts, for the purpose of acquiring by condemnation two temporary and one permanent easement WSP Sells, Inc. has prepared plans for construction of such improvements. A narrative description prepared by WSP Sells, Inc. of the project is available in the office of the Town Clerk.

In order to construct these improvements, the Town has attempted to acquire easements for access easements (two temporary and one permanent) over certain properties. Negotiations with the following landowners for easements have been unsuccessful. The properties affected by this proceeding are as follows:

<u>Tax Map Number</u>	<u>Reputed Owner</u>	<u>Location</u>
47.15-1-18	Michael Salitan	1225 Baptist Church Road
47.15-1-4	Elizabeth Kaufman	1210 Baptist Church Road

There are no other possible alternative locations for any of said properties, because the repair that is needed is located on and under the road in between these two properties.

NOTICE IS HEREBY GIVEN that the environmental significance, if any, of the proposed action, which includes obtaining a Town wetland permit, will be reviewed by the Town Board incident to said public hearing.

Any person may submit written views thereon in advance of said meeting in care of the Town Clerk, or may be heard in person at said meeting. Copies of the engineering plans and a narrative description are available for review at the Town Clerk's Office. Persons with disabilities who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

SET PUBLIC HEARING PROPOSED LOCAL LAW TO AMEND CHAPTER 115 ENTITLED  
"ANIMALS" TO CLARIFY THE STANDARD FOR A BARKING DOG VIOLATION  
RESOLUTION #228

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 19<sup>th</sup> day of June, 2012 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS," to clarify the standard for a barking dog violation.

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.

The Proposed Local Law may also be viewed on the Town Website @ yorktownny.org

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

REQUEST FOR A WETLANDS PERMIT TO CONSTRUCT A SINGLE FAMILY HOUSE  
ON HANOVER STREET – LYHUS  
RESOLUTION #229

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 19<sup>th</sup> day of June, 2012 at 7:30 o'clock PM to consider the application of Chris & Pat Lyhus for a Wetlands Permit to construct a single family house, driveway, sewer & water connection and rain garden on Hanover Street, Yorktown Heights, NY 10598. Known on the Town of Yorktown tax map as Section 48.11, Block 2, Lot 11.

A copy of said application 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.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

REQUEST FROM NORTHERN WESTCHESTER RESTORATIVE CARE FOR AN  
AMENDED SPECIAL USE PERMIT  
RESOLUTION #230

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

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 19<sup>th</sup> day of June, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application to amend a Special Use Permit for a one story expansion/renovation to the Northern Westchester Restorative Center (Treetops Rehabilitation and Care Center) located on the East side of Lexington Avenue and known as Section 15.15, parcel 1, Lot 23 on the Tax Map of the Town of Yorktown. A copy of said application 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.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

ADVERTISE BID 2012 COMPUTER UPGRADES  
RESOLUTION #231

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 AM on the 19<sup>th</sup> day of June, 2012 for the purchase of computer, networking and copier equipment to upgrade the Town's computer system.

Specifications may be obtained at the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598 during regular business hours.

The bidder assumes the risk of any delay in the mail, or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having 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: Computer, Networking and Copier Equipment.**

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

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

ADVERTISE BID FOR TWO STAINLESS STEEL MULTI TASK BODY PACKAGE  
RESOLUTION #232

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on June 18<sup>th</sup>, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Two (2) Stainless Steel Multi Task Body Package Bid. 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: Two Stainless Steel Multi Task Body Package Bid.** 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.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

RELEASE MAINTENANCE AND PERFORMANCE BOND  
SOLARIS SPORTS CLUB – SITE PLAN  
RESOLUTION #233

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

WHEREAS, Yorktown Club Management, Inc., d/b/a Solaris Sports Club, as Principal, provided the Town with Carolina Casualty Insurance Company Bond No. 76494 in the amount of \$8,000.00, to serve as the Performance/Maintenance Bond for the Solaris Sports Club Site Plan, located on Veterans Road, was accepted at the Town Board Meeting of April 15, 2003, 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 above referenced Maintenance/Performance Bond may be released, NOW THEREFORE BE IT

RESOLVED, the Carolina Casualty Insurance Company Bond No. 76494 in the amount of \$8,000.00 is here by released to Yorktown Club Management, Inc., d/b/a Solaris Sports Club, 45 Knollwood Road, Third Floor, Elmsford, NY 10523, Attn: Roseann Gagliardi.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

RELEASE ROADWAY IMPROVEMENT BOND – GARDEN LANE – ROUTE 202  
RESOLUTION #234

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

WHEREAS, Glassbury Court at Hunterbrook, LLC, as applicant, posted Check No 0001009 in the amount of \$20,000.00, which was deposited into the T33 account on February 17, 2006, to serve as the Improvement Bond for Planning Board Resolution #05-25 for road improvements and dedication to Garden Lane, located off Route 202, and

WHEREAS, a condition of the resolution is to give the money back to the applicant if work has not commenced by the Town of Yorktown within five years of the submission date and Garden Lane taken over as a Town road, and

WHEREAS, no improvements have been made to the road nor has the road been dedicated to the town, and

WHEREAS, the Highway Superintendent has informed the Engineering Department and the Town Board that the \$20,000.00 for roadway improvements may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced check be released to Glassbury Court at Hunterbrook, LLC, 570 Taxter road, Sixth Floor, Elmsford, NY 10523.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

2010 OPEN SPACE ACQUISITION BOND SHALL BE ACCOUNTED FOR AS A CAPITAL PROJECT  
RESOLUTION #235

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

Be It Resolved, the 2010 Open Space Acquisition Bond Anticipation Note shall be accounted for as a Capital Project, code JB, total borrowed \$2,000,000.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

GRANITE KNOLLS BALL FIELD CONSTRUCTION SHALL BE CREATED AS A CAPITAL PROJECT WITH BUDGET OF \$25,000.  
RESOLUTION #236

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

Be It Resolved, the Granite Knolls Ballfield Construction shall be created as a capital project, with a budget of \$25,000, to be funded from the reserve fund A909.6, Other Reserve.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

APPROVE EXTENSION OF TIME TO JUNE 11, 2012 BY WHICH THE HEALTH INSURANCE ELECTION IN THE MEMORANDUM OF AGREEMENT BETWEEN THE PBA AND THE TOWN MUST BE SUBMITTED TO THE TOWN COMPTROLLER  
RESOLUTION #237

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

BE IT SO RESOLVED, that notwithstanding the provisions of the Memorandum of Agreement between the Town and the Police Benevolent Association dated April 26, 2012, the Town Board hereby approves an extension of time to June 11, 2012, by which the health insurance election set forth in paragraph 11(d) of MOA must be submitted to the Town Comptroller.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

IMPROVEMENTS TO THE HOLLAND SPORTING CLUB SHALL BE ACCOUNTED FOR AS A CAPITAL PROJECT WITH A BUDGET SET AT \$125,000.  
RESOLUTION #238

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

Be It Resolved, improvements to the Holland Sporting Club shall be accounted for as a Capital Project, code JA. The budget is hereby set at \$125,000, to be funded from the General Fund Balance.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

2012 BUDGET TRANSFERS  
RESOLUTION #239

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

Be It Resolved, the attached 2012 Budget Transfers are approved.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

CHANGE ORDER FOR TILE WORK AT SHRUB OAK POOL  
RESOLUTION #240

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

Whereas, on May 1, 2012, an agreement to replace certain pool tile at the Brian J. Slavin Aquatic Facility in the amount of \$16,310 was authorized by the Town Board to vendor Philip J Aversano Ceramic Tile and Marble, LLC, and

Whereas, during the work process, it was determined that the underlayment was rotted, and in order to do the necessary tile work, the wire lath and underlayment had to be replaced, and

Whereas, the Recreation and Parks Superintendent states the completed job was exemplary, now,

Be It Resolved, the agreement to replace certain pool tile at the Brian J. Slavin Aquatic Facility shall be increased by the attached change order, in the amount of \$2,050, for a total agreement price of \$18,360.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH SUNDANCE ENERGY CONTACTORS D/B/A MARKLEY MECHANICAL FOR THE REPAIR OF THE SKIDMORE BRAND VACUUM CONDENSATE BOILER FEED PUMP LOCATED AT THE YCCC  
RESOLUTION #241

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement for labor and materials with Sun-Dance Energy Contractors, Inc. d/b/a Markley Mechanical to repair the Skidmore vacuum condensate boiler feed pump, including replacing the hurling tank at the Yorktown Community & Cultural Center in the amount of \$6,558.00.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

AUTHORIZE THE SUPERVISOR TO EXECUTE A CONTRACT WITH BIG WAVE EVENT PRODUCTIONS IN THE AMOUNT OF \$3,500 TO PROVIDE THE EQUIPMENT AND PERSONNEL TO SCREEN THE OUTDOOR MOVIE ON JULY 12, 2012  
RESOLUTION #242

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

RESOLVED, the Town Board authorizes the Town Supervisor to execute a contract with Big Wave Event Productions, LLC, PO Box 188, Roxbury, CT 06783 in the amount of \$3,500.00 to provide equipment and personnel (Big Surf Drive-In Mega System) to screen an outdoor movie on July 12, 2012 or a mutually acceptable rescheduled date in the event of inclement weather. Execution of the contract shall be subject to approval of the Town Attorney of the contract terms and contractor's insurance certificates.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

ADOPT ETHICS BOARD PROCEDURES  
RESOLUTION #243

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

WHEREAS, Town Code section 45-10C(3) provides that the Ethics Board may prescribe rules and regulations governing its own internal organization and procedures in a manner consistent with the ethics law, subject to Town Board approval; and

WHEREAS, the Ethics Board has developed procedures for the handling of complaints, and has submitted the proposed procedures to the Town Clerk for consideration and approval by the Town Board; and

WHEREAS, the Town Board has reviewed the procedures and discussed them with the Ethics Board at a public meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Ethics Board procedures that were submitted to the Town Clerk, namely: the Procedures for Receipt and Investigation of Complaints, Complaint Form, Procedure for Advisory Opinion, and Request for Advisory Opinion Form.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH WILLIAM PRIMAVERA FOR MARKETING SERVICES IN CONNECTION WITH THE SALE OF THE BERNSTEIN HOUSE  
RESOLUTION #244

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

WHEREAS, The Town of Yorktown is the owner a parcel of real property located at 3147 Old Yorktown Road, a/k/a Tax Map No. 26.07-1-30, which was acquired by donation and conveyed to the Town on November 2, 1990 by deed of the executor of the Estate of Helen Bernstein; and

WHEREAS, the building located on said parcel was used for Town museum purposes for a period of at least ten years in compliance with the donation deed; and

WHEREAS, Resolutions No. 325 of July 6, 2010 and No. 394 of August 31, 2010, authorized the sale of said property, the Town Board having determined that the property was no longer needed for town purposes and should be sold; and

WHEREAS, the sale of 3147 Old Yorktown Road was subject to a permissive referendum as required by Town Law section 64(2) and notice of said resolution was posted on the bulletin board of the Town Clerk and published in the North County News on September 8, 2010; and

WHEREAS, a public auction was held on September 29, 2010 in Town Hall, MHprior notice of which was duly published in the North County News and duly posted on the Town Clerk's bulletin board; and

WHEREAS, the parcel was not sold at auction and remains in Town possession; and

WHEREAS, the Town Board issued a Request for Proposals seeking a licensed Real estate broker to act as the Town's agent in the marketing and sale of the subject property; and

WHEREAS, Bill Primavera submitted a proposal for a 9-month broker agreement, and no other proposals were received; and

WHEREAS, the Town Board has reviewed Mr. Primavera's proposal and has determined that its terms are satisfactory;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby ratifies the decision of the prior board to sell the parcel on the basis that the Town does not need the parcel for municipal purposes, directs staff to prepare a short-form EAF; and be it

FURTHER RESOLVED, the Town Board states its intent to declare lead, as no other agency has an interest or authority over the parcel; and be it

FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign an agreement with Bill Primavera on the terms set forth in the page bearing the heading "My Responsibilities to the Town" : namely, a seller agent fee of 3% payable to Mr. Primavera and a buyer's agent fee of 2.5% to be paid to the buyer's broker, for a total of 5.5%; but if Mr. Primavera serves as both the buyer's and the seller's broker, the total fee will be 4.5%. No payment will be due until the closing on the sale; and

RESOLVED, that the Town Board determines that this action (contracting with a broker) is an Unlisted Action, directs the preparation of a short-form EAF, and declares its intent to be lead agency.

Grace, Bianco, Murphy, Patel, Paganelli      Voting    Aye  
Resolution adopted.

AUTHORIZE TOWN ATTORNEY TO EXPLORE OPTIONS, INITIATING LEGAL ACTION  
AGAINST CASSIDY EXCAVATION - WHITE HILL ROAD  
RESOLUTION #245

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

WHEREAS, the Highway Superintendent received an application for a street cut permit in 2010 from Cassidy Excavating, Inc., for the purpose of a sewer hook-up, and issued such permit on behalf of the Town; and

WHEREAS, when Cassidy finished its permitted work on the street, it filled the cut with asphalt as required under the permit; and

WHEREAS the Highway Superintendent has inspected the closed cut and has determined that the backfill and surface at the cut was not of the quality required, resulting in deterioration significantly more extensive since the cut was filled and closed than would have been expected to under conditions of ordinary traffic and wear and tear.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS**, that the Town Board directs the Town Attorney to evaluate the Town's legal options for recourse, including the possibility of litigation, and report back to the Town Board with her recommendations.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

LEASE AGREEMENT RENTAL OF YORKTOWN COMMUNITY NURSERY SCHOOL  
FOR THE TOWN'S PRE-SCHOOL CAMP  
RESOLUTION #246

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

WHEREAS, the Town wishes to obtain space for a period of under one month in which to operate the pre-school summer camp program under the Department of Parks and Recreation,

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Community Nursery School, landlord, at 247 Veterans Road, Yorktown Heights from July 2, 2012 through July 27, 2012, at a rent of \$4,500.00, to be paid out of surplus funds, to provide facilities for the Parks and Recreation Department's pre-school summer camp program.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

CREATION OF CERT (COMMUNITY EMERGENCY RESPONSE TEAM)  
RESOLUTION #247

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

The Town Board hereby authorizes the establishment of a Community Emergency Response Team (CERT) under the supervision of the Police Department.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

ADDITIONAL SERVICES FOR SULLIVAN ARCHITECTS IN CONNECTION WITH THE  
YORKTOWN SENIOR CENTER - \$3,412.50  
RESOLUTION #248

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

WHEREAS, the Town Board of the Town of Yorktown engaged Sullivan Architecture, P.C., 31 Mamaroneck Ave., White Plains, NY 10601, for professional design services for the renovation and remodeling of various areas of the Yorktown Cultural Community Center (YCCC).

WHEREAS, the project, through its normal course, has required additional study, and professional technical services; and

WHEREAS, Sullivan Architecture has submitted expenses for extra required work in the amount of \$ 3,412.50; therefore

BE IT HEREBY RESOLVED, the Town of Yorktown hereby authorizes payment for said expenses with an increased allocation of \$3,412.50 to be funded from the General Fund Balance.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

AUTHORIZE THE SUPERVISOR TO SIGN AN APPLICATION WITH THE INTER  
ACTIVE PROCUREMENT TECHNOLOGIES TO PARTICIPATE WITH THE HUDSON  
VALLEY BID GROUP  
RESOLUTION #249

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

Authorize the Supervisor to sign an application to Interactive Procurement Technologies to join the Hudson Valley Municipal Purchasing Group.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

JUNE 19<sup>TH</sup> MEETING CHANGED TO TOWN HALL LOCATION. TOWN BOARD WORK  
SESSION SCHEDULED FOR JUNE 26, 2012 HAS BEEN CANCELLED DUE TO THE  
FEDERAL PRIMARY ELECTION  
RESOLUTION #250

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

RESOLVED, that the regular meeting of the Town Board to be held on Tuesday, June 19, 2012 will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 rather than at an outdoor location, and

BE IT FURTHER RESOLVED, that the June 26, 2012 Yorktown Town Board Work Session has been cancelled due to a Federal Primary Election in the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli     Voting   Aye  
Resolution adopted

AUTHORIZE THE SUPERVISOR TO ENTER INTO A DATABASE MAINTENANCE  
AGREEMENT WITH INDRA, USA FOR THE WATER DEPARTMENT'S GPS TRACKING  
SYSTEM - \$18,400 ANNUALLY  
RESOLUTION #251

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

RESOLVED, that the Supervisor is authorized to enter into a database maintenance agreement with IndraUSA, Inc. for the maintenance of the database for the Water District GPS Tracking System in the amount of \$18,400.00 per annum.

Grace, Bianco, Murphy, Patel, Paganelli    Voting   Aye  
Resolution adopted

REFUNDS DUPLICATE TAXES

RESOLUTION #252

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

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

Year and Tax	S-P-L	Account #	Refund
2011 Sch 22	26.14-1-13	1129500	\$2,919.34

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

Grace, Bianco, Murphy, Patel, Paganelli    Voting   Aye  
Resolution adopted

APPOINTMENT SENIOR AUTOMOTIVE MECHANIC

DAVID DOHERTY – CENTRAL GARAGE

RESOLUTION #253

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

BE IT RESOLVED, that David J Doherty, is hereby appointed Senior Automotive Mechanic, job class code 0484-02, in the Department of Environmental Conservation, effective June 11th, 2012, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 5, which is \$66,656.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 11<sup>th</sup>, 2012.

Grace, Bianco, Murphy, Patel, Paganelli    Voting   Aye  
Resolution adopted

ADJOURN

Upon motion made by Councilman Bianco moved, seconded by Councilman Murphy, the Town Board meeting was adjourned.

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown