

Regular meeting held by the Town Board,  
On September 4, 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  
Alice E. Roker, Town Clerk

#### TOWN BOARD MEETING

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

#### GRANGE FAIR TRACTOR PARADE RESOLUTION #381

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

RESOLVED, the Yorktown Police Chief is authorized to pay overtime for a maximum of three (3) Police Officers to work on Saturday, September 8, 2012 at the Yorktown Grange Fair Tractor Parade.

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

#### RESIGNATION

The Town Board accepted Mr. Eric Miller's resignation from the Highway Department with regret.

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss pending litigation with its outside Counsel.

#### PLEDGE OF ALLEGIANCE

Matthew Lewin, a Boy Scout with Troop 165 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.

#### STATE SENATOR GREGORY BALL PRESENTATION

Surrounded by Brian Gray, the Yorktown Parks and Recreation Superintendent, Steven Rosen, of the Shrub Oak Athletic Club, Senator Ball presented a facsimile of a check for \$150,000 to the Town Board to be used for recreation purposes.

Senator Ball stated that he is working closely with the Town Board and will try to find state funding for other projects such as the Economic Revitalization of the Route 202 corridor.

#### DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace thanked Senator Ball for his help in getting funding for town projects. He spoke about getting a small grant to begin a Phase 11 Environmental Assessment of the property that houses the Highway Garage. Supervisor Grace stated that what the Town would like to do is move the Highway Garage to the town property which already houses the Yorktown Sewer Plant. We would free up a valuable piece of property on Front Street and return it to the tax rolls. The Town hopes to build a state of the art Highway Garage utilizing green technology and allowing the methane created by the sewer plant to heat the building. Supervisor Grace also spoke about the Route 202 Economic Revitalization Project, the redevelopment of the Jefferson Valley Mall and a medical building in Jefferson Valley. Supervisor Grace further stated that the 2012 9-11 Ceremony will be held at the 9-11 Monument in Shrub Oak. The Grange Fair opens this week. There will be a Tractor Parade on Saturday morning.

DURING REPORTS FROM TOWN BOARD MEMBERS

Councilman Bianco stated that the Tax Department sent out the 2012 tax bills earlier today. The Yorktown Central School District's bills rose by 1.9%. Lakeland School District's tax bills went up 2.5%. Councilman Bianco explained that Lakeland is different from the Yorktown Central School District; 98% of the district is in the Town of Yorktown. Lakeland School District is comprised of six towns spanning two counties. Depending on where you live, the rate hike over the last five years could be as little as nine percent or as high as 42%.

Town Clerk Alice Roker spoke about the upcoming primary. This is for people enrolled in the Republican, Conservative and Green Parties. The Board of Elections has changed several polling places including Brookside School and Crompond School, both of which have been moved to the French Hill School. Election Districts formerly housed at St. Mary's Church on Route 202 have been moved to the Lake Mohegan Fire House on Route 6.

Councilman Terrence Murphy introduced Mr. Ed Ackerman.

Mr. Ackerman spoke about a Fund Raiser on September 23<sup>rd</sup>. The proceeds will go to the Luskgarten Foundation to help fight pancreatic cancer.

Councilman Patel thanked everyone who attended the Memorial for Army Specialist David R. Fahey who died while serving his country in Afghanistan. The Councilman thanked Senator Ball for his recent Business Council Meeting. Councilman Patel also spoke about a project at Yorktown High School involving a LEGO robot.

Councilman Pagnelli spoke about the influx of new businesses into the area including Pizza Hut and TCBY. I HOP (the International House of Pancakes) is expected to open later this month.

FORMER SUPERVISOR REIMBURSEMENT  
RESOLUTION #382

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

Resolved, the Yorktown Comptroller is authorized to pay former Supervisor Susan Siegel \$28.00 for parking expenses incurred while giving a legal deposition for a pending court case involving the Town of Yorktown.

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

APPROVE RESOLUTIONS FROM THE AUGUST 7, 2012 TOWN BOARD MEETING  
RESOLUTION #383

Upon motion made by Councilman Bianco, Councilman Paganelli,

Resolved, that the Town Board Meeting Resolutions for August 7, 2012 are approved by the Town Board.

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

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mr. Jack Mota, a resident of Quinlan Street read from a prepared statement, explaining that he and his wife bought their home three years ago and because it was on a busy street, and they have two little girls, they were happy to see speed bumps. After his family moved into their new home, the speed bumps were removed. He asked the Town Board to take a look at this issue because not having something to slow the cars and truck down poses a safety hazard.

Supervisor Grace stated that Councilman Murphy and Larry Eidelman, the members of the Traffic Safety Committee will make a site visit and speak to the neighbors.

PUBLIC HEARING – PROPOSED LOCAL LAW AMENDING CHAPTER 300 – ARTICLE X TO ALLOW RECYCLING AS A PERMITTED MAIN USE IN THE I-1 PLANNED LIGHT INDUSTRIAL DISTRICT

Supervisor Grace convened the public hearing to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” with respect to Article V entitled “Schedule of Regulations,” to allow recycling as a permitted manufacturing use in the I-1 Planned Light Industrial District.

Supervisor explained that this is a change to the zoning text to permit this type of industry.

Mr. Albert Capellini explained that this change will only effect two areas in Yorktown which are industrial zones; Front Street and Navajo Road.

Supervisor Grace stated that the recycling industry is very profitable and necessary.

Councilman Bianco read memorandum from the Conservation Board, Westchester County’s Planning Department and ABACA who had no concerns with the text change. The Planning Board in its memorandum asked for changes to the text which have been made. Councilman Bianco agreed with Supervisor Grace that this type of change to the code is necessary.

Mr. Howard Frank, a 52 year resident of the Town of Yorktown questioned whether this type of industry would be good for Yorktown. He stated that there could be a big problem with dusk. There will be a need for a structural engineer to insure that the site will be able to hold the equipment necessary for this industry.

Supervisor Grace explained that this was a text change, if a recycling facility is built in Yorktown, those are the types of issues that can be raised during a review of a 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.

LOCAL LAW #13 of 2012 AMENDING CHAPTER 300 – ARTICLE X TO ALLOW RECYCLING AS A PERMITTED MAIN USE IN THE I-1 PLANNED LIGHT INDUSTRIAL DISTRICT

RESOLUTION #384

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

WHEREAS a public hearing was held on the 4<sup>th</sup> day of September, 2012 pursuant to notice duly published as required by law to consider a to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING” with respect to Article V entitled “Schedule of Regulations,” to allow recycling as a permitted manufacturing use in the I-1 Planned Light Industrial District. The Town Clerk presented affidavits of printing and publication.

RESOLVED that Local Law #13 /2012 as annexed hereto, be and is hereby adopted.

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

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

Local Law # 13/2012 was thereupon declared adopted.

ADVERTISE AND RECONVENE PUBLIC HEARING  
LYHUS – REQUEST FOR A WETLANDS PERMIT FOR CONSTRUCTION OF A SINGLE  
FAMILY HOME ON HANOVER STREET  
RESOLUTION #385

Upon motion made by Councilman Bianco, seconded by Councilman Paganelli

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 18<sup>th</sup> day of September, 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

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 PUBLIC HEARING – CHURCH OF THE LATTER DAY SAINTS – REQUEST  
FOR AN EROSION AND SEDIMENT CONTROL PERMIT – REMOVE AND REPLCE  
DRIVEWAY – 25,935 SUARE FEET OF ASPHALT PAVEMENT  
RESOLUTION #386

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

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 18<sup>th</sup> day of September, 2012 at 7:30 o'clock PM to consider the application of the Latter Day Saints Church for an Erosion and Sediment Control Permit for property located on Kitchawan Road, Yorktown, New York. Described work: The removal and replacement of the driveway of the Yorktown Meeting House, 25,935 square feet of asphalt pavement.

A copy of said proposal 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.

ADVERTISE PUBLIC HEARING - NEW YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION REQUEST FOR WETLANDS PERMIT –  
RECONSTRUCTION OF EXISTING ACCESS ROAD TO HUNTER BROOK NORTH  
SIPHON CHAMBER  
RESOLUTION #387

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

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, on the 18<sup>th</sup> day of September, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application of the New York City Department of Environmental Protection for a Stormwater Pollution Prevention Permit. The request is for reconstruction of an existing access road to Hunter Brook North Siphon Chamber. This will include replacing approximately 10,000 sq. ft. of deteriorated asphalt paving with new asphalt paving and re-establishing approximately 650 linear feet of grass lined ditches.

A copy of said proposal 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 PUBLIC HEARING – CATUCCI SUBDIVISION - AUTHORIZE THE  
PLANNING BOARD TO USE FLEXIBILITY STANDARDS – SECTION 15.11, BLOCK 1,  
LOT 17

RESOLUTION #388

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

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 18<sup>th</sup> day of September, 2012 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application of “Catucci aka Fieldstone Manor Subdivision” to authorize the Yorktown Planning Board to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Code of the Town of Yorktown.

A copy of the said application is on file in the office of the Town Clerk where the same can be inspected during regular office hours.

All persons in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

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

ADVERTISE PUBLIC HEARING – MOHEGAN LAKE IMPROVEMENT DISTRICT –  
REQUEST FOR WETLANDS PERMIT TO CONTINUE LAKE MANAGEMENT PLAN  
RESOLUTION #389

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

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 18<sup>th</sup> day of September, 2012 at 7:30 o'clock PM to consider the application of Mohegan Lake Improvement District for a Wetlands Permit to continue its Lake Management Plan for the years 2012-2015.

A copy of said proposal 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

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

ADVERTISE PUBLIC HEARING – IBM- REQUEST FOR WETLANDS PERMIT TO  
INSTALL AN UNDERGROUND TELECOMMUNICATION FIBER  
RESOLUTION #390

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

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 18<sup>th</sup> day of September, 2012 at 7:30 o'clock PM to consider the application of IBM for a wetands permit for excavating/backfilling and seeding required for the installation of a new 4” PVC conduit for a telecommunication Fiber.

A copy of said proposal 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 – COLD WATER METERS – CONTINUATION OF PROJECT – WATER DEPARTMENT  
RESOLUTION #391

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

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on September 24, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Sensus Electronic Water Meters, Model SR-II in Sizes 5/8” x 3/4 ” and 1” and Radio Devices. 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 No. 12-001B for Sensus Electronic Water Meters & Radio Devices”

The Town Board 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.

ADVERTISE BID – VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT – ENGINEERING DEPARTMENT  
RESOLUTION #392

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

Sealed proposals will be received by the **Town Clerk** of the Town of Yorktown, Westchester County, **New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Wednesday, October 10, 2012, for Various Chemicals for the Yorktown Heights Sewage Treatment Plant, Bid #12-06.**

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

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

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

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

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

ADVERTISE BID – ROLL-OFF WASTE CONTAINER RENTAL – GRANITE KNOLLS PROPERTY – SUPRVISOR’S OFFICE  
RESOLUTION #393

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, Westchester County, NY until 11:00 AM on Monday, September 17, 2012 At the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Rental of Roll-Off Waste Containers.

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

Specifications may be obtained at the office of the Town Clerk at said Town Hall, 363 Underhill Avenue, Yorktown Heights, NY during regular office hours.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, **marked: “Bid: 2012 Roll-Off Waste Container Rental – “Granite Knolls”**

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

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

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

AUTHORIZE SUPERVISOR TO SIGN CONTRACT FOR REMOVAL OF ASBESTOS – GRANITE KNOLLS PROPERTY  
RESOLUTION #394

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

RESOLVED, that the Supervisor is authorized to sign a contract with VALIANT ASSOCIATES, LLC (the “Contractor”), with offices at 27 Highland Avenue, Warwick, New York 10990, for asbestos abatement at the Town-owned property located at Granite Knolls, not to exceed \$2,000, subject to Town Attorney approval.

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

AWARD BID – SMITHCO SUPER STAR HYDRAULIC DRIVE BASEBALL FIELD CONDITIONER – PARKS DEPARTMENT  
RESOLUTION #395

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

WHEREAS, invitation to bid for one (1) New Smithco Super Star Hydraulic Baseball Field Conditioner Model 42-001D for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on August 24, 2012, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

COMPANY	PRICE
Wilfred MacDonald, Inc.	\$14,119.00

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Brian Gray, the bid be and is hereby awarded to Wilfred MacDonald, Inc. the lowest responsible bidder for one (1) unit at \$14,119.00.

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

APPROVE CERTIORARI – SHRUB OAK PARTNERS  
RESOLUTIN #396

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.09 Block 2 Lot 14, located at 1335 East Main Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, That the tax certiorari proceedings affecting tax parcel 16.09 -2-14, owned by Shrub Oak Partners, LLC, Account #0114500, for assessment roll years 2004, 2005, 2006,

2007, 2008, 2009, 2010 and 2011 be settled as set forth in the proposed stipulation as follows:

<b>Roll</b>	<b>Proposed</b>	<b>Proposed</b>	<b>Amount of Reduction</b>
2004	\$129,900	\$129,000	\$0
2005	\$129,900	\$129,000	\$0
2006	\$129,000	\$103,000	\$26,900
2007	\$110,250	\$110,250	\$0
2008	\$110,250	\$110,250	\$0
2009	\$110,250	\$110,250	\$0
2010	\$110,250	\$110,250	\$0
2011	\$110,250	\$110,250	\$0

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

**APPROVE TRANSFER OF \$6,201.00 FROM HIGHWAY BUDGET TO THE REFUSE DISTRICT**  
**RESOLUTION #397**

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

Whereas, on August 6, 2012 Auctions International closed the bidding process for Town vehicles and received a \$ 6,201.00 bid for Lot #17 – 1999 Mack RD690S Packer,

Whereas, Highway Superintendent Eric DiBartolo, has requested that rather than accepting the bid from an outside agency, he would like the packer truck to be transferred to the Highway Department where it will be refurbished and retro-fitted as a roll-off vehicle.

Resolved, the following 2012 budget transfer is hereby approved, and the Highway Superintendent has permission to purchase the 1999 Mack RD690S Packer from the Special Refuse District.

Increase: D 5130.201 Highway Equip \$6,201.00  
Decrease: D 5130.403 Machinery Repairs (\$6,201.00)

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

**APPROVE TRANSFER OF FUNDS – JOHN C. HART MEMORIAL LIBRARY BUDGET**  
**RESOLUTION #398**

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

Be It Resolved, at the request of the Library Director, the following 2012 budget transfer is hereby approved:

Increase L 7410.201 Library Equipment \$2,000  
Decrease L 7410.416 Library Building Maint (\$2,000)

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

**AUTHORIZE SUPERVISOR TO SIGN THE REGIONAL KITCHEN AGREEMENT WITH SOMERS FOR TITLE IIIC FROM JANUARY 1, THROUGH DECEMBER 31, 2012 AND FOR SNAP (SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAM FROM APRIL 1, THROUGH MARCH 31, 2012**  
**RESOLUTION #399**

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

RESOLVED, that the Town Supervisor is hereby authorized to sign a Regional Kitchen Agreement for Title 111C - with the Town of Somers for the Nutrition Program for the period of January 1, 2012 through December 31, 2012, and



BE IT FURTHER RESOLVED, that the Supervisor is also authorized to sign the Regional Kitchen Agreement with the Town of Somers for the SNAP (Supplemental Assistance Nutrition Program) for the period April 1, 2012 through March 31, 2013.

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

AUTHORIZE SUPERVISOR TO SIGN A FOURTH AMENDMENT TO PCS SITE AGREEMENT BETWEEN THE TOWN OF YORKTOWN AND STC FIVE LLC TO CHANGE THE LEGAL DESCRIPTION OF THE LEASED AREA AND ALLOW A CELL TOWER OWNED BY CROWN CASTLE/STC FIVE TO BE RAISED TO 140 FEET  
RESOLUTION #400

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

WHEREAS, the Town entered into a Lease Agreement with Sprint Spectrum L.P. permitting the erection and maintenance of a cell tower on Town-owned property at Woodland Avenue a/k/a Heyward Street (Tax Map Section 15.16, Block 3, Lot 32 which was amended by a Lease Amendment dated January 20, 1998; a Second Amendment to PCS Site Agreement dated October 11, 2006; and a Third Amendment to PCS Site Agreement dated December 30, 2009 (as amended, the "Lease Agreement"); and

WHEREAS, the Town and Sprint Spectrum L.P.'s successor-in-interest, STC Five LLC, wish to amend the Lease Agreement to relocate the leased area for the municipal purpose of facilitating maintenance of Water Department facilities at that location, and to permit STC Five LLC to increase the height of the cell tower from 133 feet to 140 feet; and

WHEREAS Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum;

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

RESOLVED that the Town Supervisor is authorized to enter into a Fourth Amendment to PCS Site Agreement ("Fourth Amendment") with STC Five LLC for the purposes described above, all other terms of the Lease Agreement to remain unchanged; and be it further

RESOLVED, that pursuant to Town Law, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Journal News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE PROPOSED ADJUSTMENTS TO THE TOWN ATTORNEY BUDGET  
RESOLUTION #401

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

BE IT RESOLVED, the following budget transfers in the Town Attorney budget 2012 are hereby authorized:

Total transferred		
FROM each line:		
1420.0427	OUTSIDE EXPENSES	5,000
1420.0437	FORECLOSURE/SALE EXPENSES	5,000
	NON-LITIGATION OUTSIDE COUNSEL	
1420.0426	FEES	5,000
	ZBA NON-REIMBURSED OUTSIDE	
1420.0426.0003	COUNSEL	6,000

1420.0439	LITIGATION OUTSIDE COUNSEL FEES	100,000
		121,000

Total transferred TO each line		
1420.0424.0001	NON-RETAINER TAX CERTS	10,000
1420.0443	LEGAL SETTLEMENTS	107,000
1420.0444	FILING FEES	1,500
1420.0446	UNSAFE STRUCTURES	1,000
1420.0401	SUPPLIES	1,500
		121,000

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

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY RELATING TO PARATRANSIT RESOLUTION #402

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

WHEREAS, that the Town of Yorktown participated in Westchester County’s Surplus Para-transit Bus Lottery on June 15, 2012 and is a lottery winner.

WHEREAS, that the Town of Yorktown accepts the Para-transit Bus identified below in “AS IS” condition and understands that the County makes no representations, guarantees, or warranties in connection with the identified:

YEAR: 2006  
MAKE: Ford E350  
VIN#: 1FDSE35P96DA92059  
MILEAGE: 213,534

it is

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with Westchester County to purchase the Surplus Para-transit Bus for the amount of \$1.00.

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

EXTEND BID – NEW YORK STATE WATER LEAK DETECTION – WATER DEPARTMENT RESOLUTION #403

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

WHEREAS, bids for professional leak detection services on the Town’s 174 miles of water mains were accepted and opened and read aloud on August 2, 2010; and

WHEREAS, the Town of Yorktown has entered into an agreement with New York Leak Detection Inc. of Jamesville, NY to provide professional leak detection service; and

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

WHEREAS, said bid commenced in 2010; at a cost of \$21,750.00; and,

WHEREAS, the water district has ample funds to cover this expense, which will come out of Water District (SW) budget;

NOW THEREFORE, BE IT RESOLVED, the Water Distribution Superintendent hereby recommends to the Town Board that the Town exercise its option to renew the contract for the final year of the contract, per the terms and conditions of the bid.

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

ACCEPT RETIREMENT OF STUART SOUTH  
RESOLUTION #404

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

RESOLVED, the Town Board acknowledges the upcoming retirement of Stuart South on September 7, 2012.

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

REFUNDS - DUPLICATE TAXES  
RESOLUTION #405

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 Amount
2012 Town/Cty	48.09-1-13	Account # 4185500	\$ 4,405.49
2011 Sch 22	36.15-1-1	Account # 3207500	\$ 4,371.87

BE IT RESOLVED, that the Comptroller is hereby authorized to refund the above noted amounts

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

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mr. Howard Frank asked if the certiorari settlement for Shrub Oak Partners was recommended by the Town Assessor, if so, then that should have been included in the resolution.

Mr. Gil Kaufman, a resident of Yorktown spoke about the latest water bill that he received. It's \$400.00.

Supervisor Grace explained that he has had many telephone calls made to his office concerning water bills. The Board will have to sit down and discuss how we move forward.

Mr. Mota reiterated his request for speed humps, not bumps on Quinlan Street.

Mr. Steven Gardner applauded the Town's idea to refurbish the packer, buying a new engine, selling the body as scrap and then possibly using it to haul roll-off containers.

Mr. Larry Iuso suggested that the Town start saying yes to businesses who wanted to come into Yorktown. He questioned the concept of a new Jefferson Valley Mall and stated that he did not want to see Route 202 develop into four lanes.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown