

Regular meeting held by the Town Board,  
On October 16, 2012, held at the John C. Hart Memorial Library, East Main Street,  
Shrub Oak, NY 10588

Present: Michael J. Grace, Supervisor  
Terrence Murphy, Councilman  
Nicholas Bianco, Councilman  
Vishnu Patel, Councilman  
David Paganelli, Councilman  
Alice E. Roker, Town Clerk

#### EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss the hiring of an employee in the Water Department and the Town Attorney provided the Town Board with updates on several lawsuits. Upon motion made by Councilman Paganelli, seconded by Councilman Murphy, to move out of Executive Session.

#### MEETING CALLED TO ORDER

The Meeting was called to order by Michael Tyler, a member of Cub Scout Pack 164.

#### PLEDGE OF ALLEGIANCE

Cub Scout Pack 164 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.

Councilman Murphy introduced the leaders of Cub Scout Pack 164 and answered questions posed by the cub scouts.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Grace congratulated the Yorktown Chamber of Commerce for having a successful Harvest Festival. He also recognized members of the Yorktown Parks and Recreation Department; including Andrew Cerrato, Al Pisano, Keith Kuttruff and Richard Williams. The Supervisor thanked them for the outstanding job they did at the Fall Festival. Supervisor Grace also spoke about a flooding problem in Mohegan Lake caused by a pipe in a culvert. The Town has tried to work with the NYS Department of Transportation, but they have not been responsive. The Supervisor asked The Highway Superintendent to get a look inside the pipe. What he discovered was a pipe filled with gravel and cement. Supervisor Grace attended the dedication of a new building at Soundview School. A renovated barn on this historic property has been turned into a Lunch Room.

#### DURING REPORTS FROM THE TOWN COUNCIL,

Councilman Bianco stated that State Senator Greg Ball presented a facsimile of a check for \$25,000 to the Board of Trustees of the John C. Hart Library last weekend. The money will help pay the cost of the renovation of the Children's Room. He also congratulated Support Connection for the excellent job they did with their Support-A-Walk. Councilman Bianco put forth the following resolution,

#### NTS DOT RELATING TO TRAFFIC LIGHTS REMOVED AFTER WORK OF TACONINC STATE PARKWAY WAS COMPLETED RESOLUTION #463

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

WHEREAS, the New York State Department of Transportation installed temporary traffic signals in the Town of Yorktown while the Taconic Bridge Project was underway, and

WHEREAS, these traffic signals were installed to control the flow of traffic for the project, and

WHEREAS, the immediate benefit from this action was the controlled and safe passage of vehicles though the various intersections on the detour route, and

WHEREAS, these temporary traffic signals with the exception of the signal at Route 100 and Route 134 were removed after the project was completed, and

WHEREAS, residents of the Town of Yorktown have complained that turning conditions at the intersection of Route 118 and Route 129 where the flow of traffic had previously been controlled by a flashing red/yellow light was hazardous, and

WHEREAS, the addition of the temporary light made traffic conditions safer,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown calls on the New York State Department of Transportation and our elected officials in Albany to return the light at the intersection of Route 118 and Route 129.

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

REPORTS FROM THE TOWN BOARD CONTINUED:

Councilman Patel spoke about his review work with the Town's IT Consultant reviewing the Department's computer needs for 2013. He also attended the 100<sup>th</sup> birthday celebration for a Yorktown resident. The Lakeland School District was recognized by the United Nations for their Science Program.

Councilman Paganelli congratulated the Chamber of Commerce and Support Connection for their events held last weekend.

APPROVE RESOLUTIONS FROM THE MEETING OF 10/2/2012  
RESOLUTION #464

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

Resolved, that the Town Board Meeting Resolutions for October 2, 2012 are approved by the Town Board. The resolution approved at the Town Board's October 9, 2012 Work Session referring out a request for a change of zone by Mandalay Builders is rescinded.

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

APPOINTMENT MICHAEL GRASSO – MOTOR EQUIPMENT OPERATOR - HIGHWAY  
DEPARTMENT  
RESOLUTION #465

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

BE IT RESOLVED, that Michael R. Grasso of Yorktown Heights, NY, is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective October 16<sup>th</sup>, 2012 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$46,837.00 annually;

BE IT RESOLVED, contingent upon successful completion of a drug test and reference checks,

BE IT RESOLVED, that Michael R. Grasso will report to work at the Highway Department on November 5<sup>th</sup>, 2012, and this date will be used as the first date of appointment,

BE IT 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 November 5<sup>th</sup>, 2012.

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

APPOINTMENT – DIANE DREIER CONSERVATION BOARD  
RESOLUTION #466

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

BE IT RESOLVED, that Diane Dreier is hereby reappointed as a member of the Conservation Board for a three year term expiring on August 30, 2015.

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

APPOINTMENT – WALT DANIELS– CONSERVATION BOARD  
RESOLUTION #467

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

BE IT RESOLVED, that Walt Daniels is hereby reappointed as a member of the Conservation Board, for a three year term expiring August 30, 2015.

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

APPOINTMENT – JEAN FRANCOIS DE LAPEROUSE – LANDMARKS PRESERVATION  
COMMISSION  
RESOLUTION #468

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

BE IT RESOLVED, that Jean-Francois De Laperouse is hereby appointed as a member of the Landmarks Preservation Commission for a three year term expiring October 16, 2015.

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

APPOINTMENT – CONSTANCE FOX– LANDMARKS PRESERVATION COMMISSION  
RESOLUTION #469

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

BE IT RESOLVED, that Constance Fox is hereby appointed as a member of the Landmarks Preservation Commission for a two year term expiring October 16, 2014.

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

APPOINTMENT – THOMAS DECHIARO– LANDMARKS PRESERVATION  
COMMISSION  
RESOLUTION #470

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

BE IT RESOLVED, that Thomas DeChiaro is hereby appointed as a member of the Landmarks Preservation Commission for a two year term expiring October 16, 2014.

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

APPOINTMENT – DR. MICHAEL GORDON– LANDMARKS PRESERVATION  
COMMISSION  
RESOLUTION #471

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

BE IT RESOLVED, that Dr. Michael Gordon is hereby appointed as a member of the Landmarks Preservation Commission for a three year term expiring October 16, 2015.

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

APPOINTMENT – DR. EDWIN PELL– LANDMARKS PRESERVATION COMMISSION  
RESOLUTION #472

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

BE IT RESOLVED, that Edwin Pell is hereby appointed as a member of the Landmarks Preservation Commission for a one year term expiring October 16, 2013.

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

APPOINTMENT – JOHN EAGLESON– LANDMARKS PRESERVATION COMMISSION-  
(ALTERNATE)  
RESOLUTION #473

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

BE IT RESOLVED, that John Eagleson is hereby appointed as an alternate member of the Landmarks Preservation Commission for a one year term expiring October 16, 2013.

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

APPOINTMENT – WILLIAM PRIMAVERA– LANDMARKS PRESERVATION  
COMMISSION- (ALTERNATE)  
RESOLUTION #474

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

BE IT RESOLVED, that William Primavera is hereby appointed as an alternate member of the Landmarks Preservation Commission for a one year term expiring October 16, 2013.

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

APPOINTMENT – RECREATION COMMISSION – DIANA QUAST  
RESOLUTION #475

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

BE IT RESOLVED, that Diana Quast is hereby reappointed as a member of the Parks and Recreation Commission for a seven year term expiring on December 31, 2019.

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

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

Mr. Ken Belfer stated that the Mohegan Improvement District discovered a second problem at Mohegan Lake. Beavers have built a dam in the area.

DURING THE REPORT FROM WHITE PLAINS, Westchester County Legislator Michael Kaplowitz spoke about a plan put forth by the Westchester County Executive to renovate Rye Playland. It will cost tax payers approximately \$2 million per year. Mr. Kaplowitz also spoke about a meeting that Supervisor Grace has called for. The meeting will take place between Westchester County Officials and officials of Yorktown, Somers, Cortlandt and Peekskill. The major issues to be discussed are traffic and sewers.

PUBLIC HEARING  
AMENDED SPECIAL USE PERMIT – SANCTUARY GOLF COURSE

Supervisor Grace convened the public hearing to consider amending the current Special Use Permit for Sanctuary Golf Course to add an additional tennis court and an additional paddle tennis court, parking area modifications to include “green infrastructure” stormwater management facilities, specifically the incorporation of bioretention facilities into the clubhouse

parking lot islands and in the planted area in front of the clubhouse. Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. Albert Capellini, Attorney for the applicant introduced Vera Sung, and Alan Pilch, of Evans Associates, engineers for the applicant.

Mr. Pilch provided the Town Board with a brief overview of the site which was an old golf course that had remnants of a ski slope. It is comprised of approximately 180 acres. In 1999, the applicant decided to re-do the Golf Course and began working on the first nine holes. The approval also included the renovation of the Club House, new parking, a new Pro Shop, five Tennis Courts, three paddle ball courts and the golf cart return area. At this time, we are requesting a change to reflect what is out in the field including the elevation of the tennis courts. We are working with the NYC Department of Environmental Protection to update our SWPPP permit to be in conformance with the new regulations.

Mr. Bruce Barber, Environmental Consultant for the Town of Yorktown stated that he will review the SWPPP as soon as he receives it from the applicant. The applicant has had to develop a mitigation plan because the work went onto adjoining property. There is a need for an amendment to cover the retaining wall.

Mrs. Sharon Robinson, Acting Town Engineer explained that the applicant was issued a Stop Work Order several years ago.

Mrs. Karen Penichter, a nearby resident read prepared remarks, a copy of which is on file in the Town Clerk's Office. In it, the residents of Locke Lane state that over the past 13 years, they have been subjected to relentless construction on the golf course from dawn to dusk, 7 days a week. Construction has crossed property lines of residents of properties surrounding the golf course and trees have been removed and rock walls have been repositioned. They ask that the Board drive this project to completion; that there be no construction on Sundays and legal holidays and that they have a single point of contact within the Town to communicate issues related to the project.

Mr. John Schroeder representing the Yorktown Land Trust spoke about several problems, including the lighting plan which he says he never saw. He also called on the Town Board to require the applicant to consult with the Town's Naturalist before doing additional work. In the initial approval, he was required to consult with the naturalist, but he never did.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion by Supervisor Grace, and seconded by Councilman Bianco the public hearing was adjourned.

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

**ELECTRICAL WORK – TOWN BUILDINGS – REJECT AND REBID  
RESOLUTION #476**

Upon motion made by Councilman Murphy, seconded by Supervisor Grace,

WHEREAS, errors were found in the specifications relating to the 2012 Electrical Work on Town Buildings,

BE IT THEREFORE RESOLVED, that the bid will be re-advertised in the official newspaper of the Town of Yorktown, the Journal News.

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 October 29, 2012 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Electrical work on Town Buildings.

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

AWARD BID VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT  
RESOLUTION #477

Bids received October 10, 2012

CHEMICAL	BIDDER	AMOUNT
Ferric Chloride	Kemira Water Solutions, Inc. PVS Technologies, Inc.	\$515.00 per dry ton \$575.00 per dry ton
Ferric Chloride 37% to 40%	Slack Chemical Co., Inc.	\$143.98 per drum
Caustic Soda 50%	Triathlon Industries, Inc. Slack Chemical Co., Inc.	\$2.44 per gallon \$2.46 per gallon
Caustic Soda 25%	H. Krevit & Co., Inc. Slack Chemical Co., Inc.	\$112.00 per drum \$104.32 per drum
Citric Acid 50%	Coyne Chemical Co., Inc. Slack Chemical Co., Inc.	\$451.04 per drum \$394.26 per drum
Sulfuric Acid (not more than 51%)	H. Krevit & Co., Inc. Slack Chemical Co., Inc.	\$251.91 per drum \$169.42 per drum
Sodium Bisulfite 38%	Slack Chemical Co., Inc.	\$149.78 per drum
Sodium Hypochlorite 15%	H. Krevit & Co., Inc. Coyne Chemical Co., Inc. Slack Chemical Co., Inc.	\$118.00 per drum \$216.55 per drum \$109.72 per drum
Holland EPIC WW58	Holland Company, Inc. Slack Chemical Co., Inc.	\$0.185 per wet lb. \$0.199 per wet lb.
Calgon Poly-E-Z 6500	Slack Chemical Co., Inc. Coyne Chemical Co., Inc.	(bid only per lb.) \$12.46 per dry ton

In order to award this bid I am requesting the Town Board adopt the following resolution:

RESOLVED, that the bid for Ferric Chloride be awarded to Kemira Water Solutions, the low bidder, at a cost of \$515.00 per dry ton, and be it further

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Slack Chemical Co., the sole bidder, at a cost of \$143.98 per drum, and be it further

RESOLVED, that the bid for Caustic Soda 50% be awarded to Triathlon Industries, the low bidder, at a cost of \$2.44 per gallon, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$104.32 per drum, and be it further

RESOLVED, that the bid for Citric Acid 50% be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$394.26 per drum, and be it further

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$169.42 per drum, and be it further

RESOLVED, that the bid for Sodium Bisulfite 38% be awarded to Slack Chemical Company, Inc., the sole bidder, at a cost of \$149.78 per drum, and be it further

RESOLVED, that the bid for Sodium Hypochlorite 15% be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$109.72 per drum, and be it further

RESOLVED, that the bid for Holland EPIC WW58 be awarded to the Holland Company, Inc., the low bidder, at a cost of \$0.185 per wet pound, and be it further

RESOLVED, that the bid for Calgon Poly-E-Z 6500 be awarded to Coyne Chemical Co., Inc., the low bidder, at a cost of \$12.46 per dry ton.

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

AWARD BID ELEVATOR MAINTENANCE  
RESOLUTION #478

Upon motion made by Councilman Murphy, seconded by Supervisor Paganelli,

Bids were received on October 15, 2012 for the Elevator Inspection & Maintenance Bid #12-04X, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
D& D Elevator Maintenance, Inc.	\$8,400.00
ThyssenKrupp Elevator	\$5,400.00

In order to award this bid, I am requesting the Town Board adopt the following resolution:

RESOLVED, that the bid for the Elevator Inspection & Maintenance Bid #12-04X be awarded to ThyssenKrupp Elevator, at a cost of \$5,400.00.

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

AWARD HVAC BID  
RESOLUTION #479

Upon motion made by Councilman Murphy, seconded by Supervisor Paganelli,

WHEREAS, invitation to bid for the Heating, Ventilation and Air Conditioning (HVAC) Service and Maintenance Contract for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on October 15, 2012, with the bid amounts for the above-referenced project summarized as follows:

Carey & Walsh, Inc.	\$122.50	\$183.75	\$245.00(Sunday/Holiday)
Clean Air Quality Services, Inc.	\$125.00	\$166.00	\$210.00(Sunday/Holiday)
ABM Air Conditioning & Heating	\$110.00	\$165.00	\$220.00 (Sunday/Holiday)
HRR Industries, Inc.	\$110.00	\$135.00	\$150.00(Sunday/Holiday)

RESOLVED, that upon the recommendation of the Building Maintenance/Human Resource Specialist, Margaret Gspurning, the bid for the Heating, Ventilation and Air Conditioning (HVAC) Service and Maintenance Contract be and is hereby awarded to HRR Industries, Inc., the lowest responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on October , 2012, through October , 2012 with an option for two additional one-year extensions upon its original terms and conditions.

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

APPROVE CERTIORARI SETTLEMENTS - AMEND RESOLUTION #369B OF 2011- BF  
CURRY, LLC  
RESOLUTION #480

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

RESOLVED, that upon the recommendation of the sole assessor, Resolution #369B was adopted by the Town Board on July 19, 2011, and

BE IT FURTHER RESOLVED, that Resolution #369B shall be amended as follows, with no changes to the approved settlement.

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 36.05, Block 1, Lot 11, located at 3493 Crompond Rd, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 36.05-1-11, owned by BF Curry, LLC, Account # 1000500, for assessment roll years 2004, 2005, 2006, 2007, 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2011	\$27,900	\$27,900	\$0
2010	\$27,900	\$27,900	\$0
2009	\$91,200	\$82,950	\$8,250
2008	\$91,200	\$91,200	\$0
2007	\$91,200	\$85,600	\$5,600
2006	\$91,200	\$86,500	\$4,700
2005	\$91,200	\$91,200	\$0
2004	\$91,200	\$91,200	\$0

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

APPROVE CERTIORARI SETTLEMENTS - AMEND RESOLUTION #396 OF 2012-  
SHRUB OAK PARTNERS  
RESOLUTION #481

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

RESOLVED, that upon the recommendation of the sole assessor, Resolution #396 was adopted by the Town Board on September 4, 2012, and

BE IT FURTHER RESOLVED, that Resolution #396 shall be amended as follows, with no changes to the approved settlement.

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, and

WHEREAS, the Town Assessor recommends these matters be settled as follows, 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	\$129,900	\$0
2005	\$129,900	\$129,900	\$0
2006	\$129,900	\$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 CERTIORARI SETTLEMENTS – YORKTOWN BUSINESS CENTER  
RESOLUTION #482

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

RESOLVED, that upon the recommendation of the sole assessor

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.07, Block 1, Lot 2, located at 1661 Front Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 48.07, 1, 2, owned by Yorktown Business Center, LLC, for assessment roll years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2005	\$48,900	\$48,900	\$0
2006	\$48,900	\$42,210	\$6,690
2007	\$48,900	\$41,370	\$7,530
2008	\$48,900	\$44,100	\$4,800
2009	\$48,900	\$44,100	\$4,800
2010	\$48,900	\$44,100	\$4,800
2011	\$48,900	\$44,100	\$4,800

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

APPROVE CERTIORARI SETTLEMENTS – COACH AND FOUR  
RESOLUTION #483

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

RESOLVED, that upon the recommendation of the sole assessor

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.08, Block 1, Lot 36, located at 620 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 16.08, 1, 36, owned by Coach N Four, for assessment roll years 2005, 2006, 2007, 2008, 2009, 2010 and 2011 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2005	\$165,000	\$165,000	\$0
2006	\$165,000	\$154,750	\$10,250
2007	\$165,000	\$153,650	\$11,350
2008	\$165,000	\$162,750	\$2,250
2009	\$165,000	\$165,000	\$0
2010	\$165,000	\$165,000	\$0
2011	\$165,000	\$165,000	\$0

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

APPROVE CERTIORARI SETTLEMENTS – JEFFERSON VILLAGE II CONDOMINIUMS  
RESOLUTION #484

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

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village II Condominiums, challenging the aggregate assessment for Section 17.13 Block 2 Lot 2.- 125 through Lot 2.-216, totaling 92 individual units, located in the Jefferson Village Condominium Complex on the Tax Map of the Town of Yorktown, and

WHEREAS, the 92 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village II Condominiums, as stated above, for assessment roll years 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2008	\$275,200	\$218,400	\$56,800
2009	\$275,200	\$220,000	\$55,200
2010	\$275,200	\$234,000	\$41,200
2011	\$275,200	\$238,000	\$37,200

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

**APPROVE CERTIORARI SETTLEMENTS – JEFFERSON VILLAGE VII CONDOMINIUMS RESOLUTION #485**

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

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village VII Condominiums, challenging the aggregate assessment for Section 17.05 Block 1 Lot 67.- 577 through Lot 67.-661 totaling 85 individual units, located in the Jefferson Village Condominium Complex on the Tax Map of the Town of Yorktown, and

WHEREAS, the 85 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village VII Condominiums, as stated above, for assessment roll years 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2008	\$258,050	\$209,362	\$48,688
2009	\$258,050	\$210,000	\$48,050
2010	\$258,050	\$225,000	\$33,050
2011	\$258,050	\$230,000	\$28,050

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

**APPROVE CERTIORARI SETTLEMENTS – JEFFERSON VILLAGE V CONDOMINIUMS RESOLUTION #486**

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

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village V Condominiums, challenging the aggregate assessment for Section 17.09 Block 1 Lot 68.- 444 through Lot 68.-500 totaling 57 individual units, located in the Jefferson Village Condominium Complex on the Tax Map of the Town of Yorktown, and

WHEREAS, the 57 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village V Condominiums, as stated above, for assessment roll years 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2008	\$179,700	\$142,320	\$37,380
2009	\$179,700	\$145,000	\$34,700
2010	\$179,700	\$155,000	\$24,700
2011	\$179,700	\$160,000	\$19,700

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

APPROVE CERTIORARI SETTLEMENTS – JEFFERSON VILLAGE XI CONDOMINIUMS  
RESOLUTION #487

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

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village XI Condominiums, challenging the aggregate assessment for Section 17.05 Block 1 Lot 14.- 898 through Lot 14.-1000, totaling 103 individual units, located in the Jefferson Village Condominium Complex on the Tax Map of the Town of Yorktown, and

WHEREAS, the 103 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village XI Condominiums, as stated above, for assessment roll years 2008, 2009, 2010 and 2011, be settle as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2008	\$343,550	\$275,200	\$68,350
2009	\$343,550	\$280,000	\$63,550
2010	\$343,550	\$293,000	\$50,550
2011	\$343,550	\$300,000	\$43,550

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

APPROVE EXTENSION OF THE SLUDGE & GREASE REMOVAL BID FOR THE WATER  
POLLUTION CONTROL PLANT- #11-03  
RESOLUTION #488

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

WHEREAS, the Town Board at its meeting of October 18, 2011, awarded the annual Sludge & Grease Removal Bid #11-03, for the Water Pollution Control Plant, and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of four (4) years, and

WHEREAS, the Town intends to extend this bid for a period of one-year,(the first of three) NOW, THEREFORE, BE IT,

RESOLVED, that the bid for Digester Cleaning is extended for a one-year period to Fred A. Cook, Jr., Inc., the sole bidder, at a price of \$0.36 per gallon, and BE IT FURTHER

RESOLVED, that the bid for Sludge Removal is extended for a one-year period to Fred A. Cook, Jr., Inc., the sole bidder, at a price of \$0.12 per gallon, and BE IT FURTHER

RESOLVED, that the bid for Grease Pump & Removal and Standby is extended for a one-year period to Fred A. Cook, Jr., Inc., the sole bidder, at a base price of \$110.00/hour, and, BE IT FURTHER

RESOLVED, Grease Pump & Removal will be paid at a rate of \$0.20/gallon for the one-year extension period, and, BE IT FURTHER

RESOLVED, Standby Weekdays will be paid at a rate of \$10/hr + the standby weekday regular hourly rate bid, for the one year extension period, and, BE IT FURTHER

RESOLVED, Standby Saturday will be paid at a rate of \$15/hr + the standby weekday regular hourly rate bid, for the one-year extension period, and, BE IT FURTHER

RESOLVED, Standby Sunday and Holidays will be paid at a rate of \$25/hr + standby weekday regular hourly rate bid, for the one-year extension period.

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

APPROVE PERMIT EXTENSION – WP-001-10 DALE STREET  
RESOLUTION #489

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

WHEREAS, Anthony Celio posted check #833 in the amount of \$500.00 to serve as the Wetland Bond for Wetland Permit #WP-001-10, for work to be done at his Dale Street site, and

WHEREAS, work has not yet commenced on the site, and

WHEREAS, Anthony Celio submitted a letter requesting a 180 day permit extension, and

WHEREAS, the applicant is aware that if work does not commence after the 180-day period is over, that said project will have to go before the Environmental Panel with a new application, NOW, THEREFORE BE IT

RESOLVED, that Wetland Permit #WP-001-10 is hereby extended for 180 days.

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

AUTHORIZE THE SUPERVISOR TO SIGN A MAINTENANCE SERVICE AGREEMENT  
WITH SPS VAR, LLC FOR SOFTWARE USED IN THE POLICE DEPARTMENT FOR A  
CONTRACT PERIOD OF NOV., 2012 TO NOV., 2013 FOR \$4,525.00  
RESOLUTION #490

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

RESOLVED, that the Supervisor is authorized to sign a maintenance service agreement with SPS VAR, LLC, 3168 Mercer University Drive, Suite 200, Chamblee, GA 30341, to provide maintenance for xSeries 346 Hardware, Eserveri5 Hardware, and IBMi software, for the contract period of November 21, 2012 through November 20, 2013. The annual cost is \$4,525.00.

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

ADJOURN

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

The Town Clerk asked that the Town Board go back in session because they failed to adopt one additional resolution

RELEASE STREET OPENING PERMIT – 012-006  
2466 BROAD STREET  
RESOLUTION #491

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

WHEREAS, a representative of the Highway Department has made an inspection of

the following site and found the work to be completed satisfactorily.

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

Type of Permit	Permit #	Amount	Location	Refund to
Street Opening	012-006	\$2,000	2466 Broad Street	Fierro General Contracting Corp. 268 Route 6N Mahopac, NY 10541

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

ADJOURN

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

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Alice E. Roker, Town Clerk  
Town of Yorktown