

Town Board Meeting held by the Town Board, Town of Yorktown on February 5, 2013 held at 363 Underhill Avenue, Yorktown Heights, NY.

Present: Terrence P. Murphy, Deputy Supervisor
Nicholas J. Bianco, Councilman
Vishnu V. Patel, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

Tardy: Michael J. Grace, Supervisor

Absent: David D. Paganelli, Councilman

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Deputy Supervisor Murphy, the Town Board moved into Executive Session to seek legal Counsel from Town Attorney Jeannette Koster. Upon motion made by Councilman Bianco, seconded by Deputy Supervisor Murphy, to proceed with the Town Board meeting. Supervisor Michael Grace came into the meeting.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Grace 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 stated that Councilman Paganelli was absent tonight because his mother in-law is very ill. Supervisor Grace stated that he attended the kick off meeting for Relay for Life, this is a great event and he urged people to participate. He also spoke about Yorktown Civic Organizations and noted that next week is National Salute to Veterans Patients.

DURING REPORTS FROM TOWN COUNCIL,

Councilman Bianco stated that he was away for the Fluoride meeting but wanted to emphasize his support of keeping fluoride in the water.

Councilman Murphy announced that a new restaurant opened in Yorktown called Salsa Fresca, he wished them success. He also read a thank you letter received from Mr. Henry Stanton for the excellent work the Highway Department did on removing a large tree near his property.

Councilman Patel spoke about the Yorktown American Legion and the Yorktown High School Robotic Team. He talked about seniors celebrating their birthdays together. He mentioned that Phoenix House is sponsoring a Drug Awareness night this Thursday at 7:00 PM at their facility on Stony Street. He also mentioned that he attended the Dare graduation.

RESOLUTIONS FROM THE MEETING OF 1/22/2013

RESOLUTION #51

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

Resolved, that the Town Board Meeting Resolutions for January 22, 2013 are approved by the Town Board.

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

PERSONNEL - APPOINTMENT

BARBARA KORSAK – ASSESSMENT CLERK – TAX DEPARTMENT

RESOLUTION #52

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

BE IT RESOLVED, that Barbara A Korsak is hereby appointed Assessment Clerk job class code 0089-01, from Eligible List No. 60-382, in the Tax Department, effective February 11, 2013 to be paid from Yorktown CSEA Salary Schedule A-1, Group 10, Step 3 which is \$55,888.00 annually;

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 February 11, 2013.

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

PERSONNEL - APPOINTMENT

CHERYL KASTUK – REAL PROPERTY APPRAISER – ASSESSOR

RESOLUTION #53

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

BE IT RESOLVED, that Cheryl Kastuk of Putnam Valley, NY, is hereby reinstated in the Town of Yorktown as a Real Property Appraiser, job class code 0064-01, effective February 11, 2013 to be paid from Yorktown CSEA Salary Schedule A-1, Group 12, Step 1 which is \$58,092.00 annually,

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

BE IT RESOLVED, that Cheryl Kastuk will report to work at the Assessor Department on February 11, 2013, and this date will be used as the first date of appointment,

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 February 11, 2013.

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

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

Mrs. Susan Siegel spoke about the 2008 In-Rem Tax Proceedings. She stated that 1.7 million dollars is still outstanding and would like to know what the Town is doing to collect the unpaid taxes.

Supervisor Grace stated that letters were sent to the property owners and some have already come in and paid their taxes. He does not want to throw anyone out of their homes and will continue to try and get property owners to catch up on their taxes.

Supervisor Grace also mentioned that Westchester County contacted him and requested a list of properties in foreclosure so that it can be used by the County to create affordable housing. He noted that Westchester County should be looking to help property owners not throw them out of their homes.

Mr. Edward Ciffone thanked Comptroller Caporale for the information she provided him. He asked about the Sultana Ridge Association property and the money that was given to the Town recently to go towards their back taxes.

Supervisor Grace explained that they did receive a check for \$2,000 from the Sultana Ridge Association but it had to be returned. The Town cannot take partial payments for taxes.

Mr. Edward Ciffone asked why the Town does not take over the pool from the Sultana Ridge Association.

Supervisor Grace stated that the Town does not want the pool and neither does it want the liability for owning this property. It would be extremely costly to fill in and relying on a fence to keep people out is unrealistic.

**PUBLIC HEARING – TEATOWN LAKE WETLANDS PERMIT REQUEST
REPAIRS TO VERNAY DAM AND ASSOCIATED CONCRETE FLUME**

Supervisor Grace called to order a public hearing to consider the request for a Wetlands Permit by Teatown Lake Reservation to repair Vernay Dam and the associated concrete flume. The Deputy Town Clerk presented affidavits of printing and publication.

The Applicant's Engineer, Mr. Richard Williams gave an overview of the work to be done with regards to the project.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for the Town Board's consideration.

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

**NEGATIVE DECLARATION – TEATOWN LAKE RESERVATION – 1600 SPRING
VALLEY ROAD
RESOLUTION #54**

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

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

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Wetland, Stormwater and Tree Permit for the Teatown Lake Reservation, Town of Yorktown, New York.

SEQRA Status: ____ Type 1

X Unlisted

Conditioned Negative Declaration: ____ Yes

X No

Description of Action: The applicant is proposing to construct structural repairs to the existing Vernay Lake Dam and associated concrete flume. Approximately 40 trees will be removed from the earthen dam and to enable access to the dam. Existing seepage areas will be excavated to a depth of 1'--6' and seepage control blankets will be installed. A total of 0.8 acres will be disturbed. In addition to Town of Yorktown wetland, stormwater and tree permits NYSDEC wetland and dam repairs are required.

Location: Teatown Lake Reservation, 1600 Spring Valley Road, Town of Yorktown, Westchester County, New York. Parcel is indicated on the Town of Yorktown Tax Rolls as Section 69.14 Block 1 Lot 8.1.

Reasons Supporting This Determination:

The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production.

The applicant has provided an erosion and sediment control plan and dam repair plan prepared by NYS Licensed Professional Engineers. There shall not be any change in noise, traffic, air quality and solid waste production.

2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

Trees will be cut that endanger the earthen Vernay Dam Embankment and also for limit clearing purposes to provide access to the dam. A total of 40 trees are proposed to be cut. A plan has been included which provides plantings and restoration of wetland and wetland buffer areas.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
12. The Town Board has considered reasonably related long-term, short-term, direct,

indirect and cumulative impacts, including other simultaneous or subsequent actions.

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

TEATOWN WETLANDS PERMIT – 1600 SPRING VALLEY ROAD
RESOLUTION #55

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

WHEREAS, the applicant proposes to construct structural repairs to the existing Vernay Lake Dam and associated concrete flume, remove 40 trees that are endangering the dam and also to provide access to the dam, and conduct minor grading activities (the action); and

WHEREAS, the action will require greater than 5,000 square feet of land disturbance; and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer; and

WHEREAS, the applicant proposes to disturb the Town of Yorktown jurisdictional buffer and modify the wetlands in order to construct the proposed improvements; and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property; and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown wetland, tree and stormwater permit application WP-T-BSWPP-087-12, dated August 6, 2012; and

WHEREAS, the Town of Yorktown Conservation Board has provided a review letter dated January 11, 2013, and

WHEREAS, the Town of Yorktown Engineering Department has provided a review letter dated January 15, 2013; and

WHEREAS, the Town of Yorktown Planning Board has provided a review letter dated February 4, 2013; and

WHEREAS, the action is located in New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland and wetland buffer designated as wetland 0-3 and a NYSDEC wetland permit is required; and

WHEREAS, the applicant has applied for the NYSDEC wetland permit; and

WHEREAS, the action will require a NYSDEC Dam Repair permit; and

WHEREAS, the applicant has applied for a NYSDEC Dam repair permit; and

WHEREAS, the applicant has submitted a long-form Environmental Assessment Form (EAF), Parts 1 and 2 dated February 4, 2013; and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on December 4, 2012 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was opened on February 5, 2013 in order to solicit comments from the public regarding the proposed action, and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetland, Tree and Stormwater Permit is hereby closed; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the Town Board of the Town of Yorktown has determined that the action will not have a significant adverse impact on the environment, and a Notice of Determination of Non-Significance dated February 5, 2013 is issued and:

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Plans entitled; “Teatown Lake Reservation Vernay Lake Dam Rehabilitation” prepared by Insite Engineering dated 05/17/12, 2 sheets: OP-1, SP-1.
- Map entitled, “Teatown Lake Reservation Vernay Lake Dam Rehabilitation- Wetland Validation Map” prepared by Insite Engineering dated 08/15/12, 1 sheet: WV-1
- Plans entitled; “Dam Repair Plan” prepared by Robert B. Simpson, P.E., dated 06/14/12 (rev.), 3 sheets.
- Long-form EAF (Parts I and II) executed by John M. Watson, P.E. of Insite Engineering dated 02/04/13.
- Letter dated 10/26/12 executed by John M. Watson, P.E of Insite Engineering, 1 page.
- Comment response memo executed by John M. Watson, P.E of Insite Engineering dated 02/04/13, 3 pages.

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Tree and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. The Town Stormwater Officer shall sign the MS4 acceptance form as applicable.
2. All outstanding comments of the Acting Town Engineer, Town Environmental Consultant and New York City Department of Environmental Protection must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$500.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work.
5. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,500.00 which shall be released at the time that the Town Environmental Consultant provides written confirmation that the site is stable as defined by NYSDEC and all conditions of the permit have been complied with.
6. A copy of the approved NYSDEC wetland permit must be provided.
7. A copy of the NYSDEC Dam Repair permit must be provided.
8. Applicant must provide written documentation verifying access over the Con Edison property.
9. Applicant must obtain Flood Permit from the Town Flood Plain Administrator as determined to be applicable.

Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Inspection reports prepared by a qualified inspector shall be furnished to the Acting Town Engineer with 3 calendar days of the date of inspection. Modifications to the approved plans shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.

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

PUBLIC HEARING – REVISIONS TO SECTION 8 ADMINISTRATIVE PLAN

Supervisor Grace called to order a public hearing to consider the adoption of a revised Section 8 Administrative Plan. The Town Clerk presented affidavits of printing and publication.

Ms. Karren Perez, Section 8 Program Director gave an overview of the changes to the Section 8 Administrative Plan.

No Public Comment was received.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Bianco motioned, seconded by Councilman Patel.

REVISIONS TO SECTION 8 ADMINISTRATIVE PLAN
RESOLUTION #56

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

RESOLVED, that following a duly noticed hearing that was held and closed on February 5, 2013, the Town Board hereby adopts the second and final phase of revisions of the Section 8 Administrative Plan dated February 5, 2013, a copy which is on file in the Town Clerk Office, the Yorktown Section 8 Office as well as posted on the Town Of Yorktown's website www.yorktownny.org. Such revisions are subject to approval by the U.S. Department of Housing and Urban Renewal

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

ADVERTISE PUBLIC HEARING – AMENDING CHAPTER 300-75 REGARDING
SELF-STORAGE WAREHOUSING IN C1 COMMERCIAL ZONES
RESOLUTION #57

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 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 19th day of February, 2013 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 300-75 of the Code of the Town of Yorktown entitled "ZONING" regarding self-storage warehousing in C-1 commercial zones as follows:

1. The following sections of this Article VII shall be complied with except as provided herein: Section 300-79(A), except that no residence for a caretaker shall be permitted; Section 300-79 (J); Section 300-79 (K); Section 300-79 (L).

A copy of said 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.

A copy can also be viewed on the Town Website at www.yorktownny.org.

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

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

ADVERTISE BID – SINGLE AXLE TRUCK CHASSIS AND STAINLESS CROSS
MEMBERLESS BODY AND EQUIPMENT
RESOLUTION #58

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 February 19, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Single Axle Truck Chassis & Stainless Steel Cross-Memberless Body & Equipment -Highway Dept. 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: Single Axle Truck Chassis & Stainless Steel Cross Memberless Body & Equipment - Highway Dept. 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 Voting Aye
Resolution adopted.

ADVERTISE BID – SCAG TURF TIGER ZERO TURN MOWER – PARKS & RECREATION DEPARTMENT
RESOLUTION #59

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Friday, February 15, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for a Scag Turf Tiger Zero Turn Mower – Model STT-28CAT-SS with SMT – 72V Deck and Hurricane Mulching Kit for the Parks & Recreation Department.

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, Yorktown Heights, NY during regular office 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 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 Voting Aye
Resolution adopted.

ADVERTISE BID – WALKER MD DIESEL ZERO TURN GRASS COLLECTION MOWER – PARKS & RECREATION DEPARTMENT
RESOLUTION #60

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Friday, February 15, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for a Walker MD Diesel Zero Turn Grass Collection Mower for the Parks & Recreation Department.

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, Yorktown Heights, NY during regular office 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 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 Voting Aye
Resolution adopted.

AWARD BID – CALIBER M2000 W/BLUE/CORROSION INHIBITED
HIGHWAY DEPARTMENT
RESOLUTION #61

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

WHEREAS, invitation to bid for the Caliber M2000 Liquid w/Blue Dye for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on February 5, 2013, with the bid amounts for the above-referenced project summarized below:

SWP Enterprises LLC	\$.92 per gallon
Innovative Municipal Product	\$1.22 per gallon
LJMACA Corporation	\$1.53 per gallon

WHEREAS, SWP Enterprises LLC did not meet the Bid Specifications.

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Caliber M2000 Liquid w/Blue Dye be and is hereby awarded to Innovative Municipal Products Inc., at the amount of \$1.22 per gallon, the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on February 6, 2013 and terminate on February 7, 2014.

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

RENEW LEASE AGREEMENT WITH YORKTOWN TEEN CENTER FOR USE OF
ROOM IN YCCC
RESOLUTION #62

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

WHEREAS, Yorktown Teen Center Inc., a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2013 calendar year (January 1 – December 31, 2013), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

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 (“SEQRA”) and therefore no further review is required under SEQRA; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, 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, and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

RENEW LEASE AGREEMENT WITH MANETOO DANCE ENSEMBLE FOR USE OF ROOM IN YCCC
RESOLUTION #63

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

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2013 calendar year (January 1 – December 31, 2013), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

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 (“SEQRA”) and therefore no further review is required under SEQRA; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, 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; and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

RENEW LEASE AGREEMENT WITH YORKTOWN COMMUNITY HELP FOR USE OF ROOM IN YCCC
RESOLUTION #64

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

WHEREAS, Yorktown Community Help, Inc., a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2013 calendar year (January 1 – December 31, 2013), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

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 (“SEQRA”) and therefore no further review is required under SEQRA; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

RENEW LEASE AGREEMENT WITH GET FIT/FIT KIDS CORP. FOR USE OF ROOM IN YCCC
RESOLUTION #65

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

WHEREAS, Get Fit/Fit Kids Corp., a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2013 calendar year (January 1 – December 31, 2013), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

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 (“SEQRA”) and therefore no further review is required under SEQRA; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, 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, and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

RENEW LEASE WITH KIDS TO KIDS INTERNATIONAL FOR USE OF ROOM IN
YCCC
RESOLUTION #66

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

WHEREAS, Kids to Kids International, Inc., a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto for the 2013 calendar year (January 1 – December 31, 2013), and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

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 (“SEQRA”) and therefore no further review is required under SEQRA; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, 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, and be it

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the Town Supervisor shall be authorized to sign a lease with the Tenant.

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

DIRECT RECEIVER OF TAXES TO REMOVE FROM HER RECORDS THE PRIOR
LIENS FOR THE FOLLOWING PARCELS
RESOLUTION #67

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

WHEREAS, the Town has accepted the dedications and has taken title to the parcels listed below; and

WHEREAS, the Town of Yorktown wishes to remove all liens on record for each parcel from the Receiver’s records, on the grounds that they are uncollectible; and

WHEREAS, prior to such acceptances, the owners of record of such parcels failed to pay real property taxes for one or more years and liens were imposed on such parcels;

NOW THEREFORE BE IT RESOLVED, the Town Board directs the Receiver of Taxes to remove from her records the prior liens for the parcels listed below:

LOCATIONS OF PARCELS	PARCEL ID	OWNER NAME (as shown in Tax Receiver	CURRENT OWNER NAME
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		Records)	
NAVAJO RD.	6.18-1-70.11	SCHAFFER, JACOB & RUTH	TOWN OF YORKTOWN
NAVAJO RD.	6.18-1-71.11	SCHAFFER, JACOB & RUTH	TOWN OF YORKTOWN
MARCY ST.	15.8-2-96	CUNNANE DEV CORP	TOWN OF YORKTOWN
MARCY ST.	15.8-2-97	CUNNANE DEV CORP	TOWN OF YORKTOWN
STRAWBERRY RD.	15.12-1-77.11	CUNNANE DEV CORP	TOWN OF YORKTOWN
CRANBERRY LA.	16.5-3-17	CUNNANE DEV CORP	TOWN OF YORKTOWN
MILL ST.	16.5-3-22.11	CUNNANE DEV CORP	TOWN OF YORKTOWN
MILL ST.	16.5-3-23.11	CUNNANE DEV CORP	TOWN OF YORKTOWN
OLD YORKTOWN RD.	16.15-1-84.11	BUCKLEY, JOHN JR. ET AL	TOWN OF YORKTOWN
WILDWOOD ST.	16.16-1-11	W A DEVELOPMENT CORP.	TOWN OF YORKTOWN
LONDON RD. & CHEN CT.	26.8-2-1	NEW HOPE FARM 1	TOWN OF YORKTOWN
DEER ST.	26.18-1-39	DEER HOLLOW ESTATES LLC	TOWN OF YORKTOWN
GOMER ST.	27.5-2-53.11	BELMONTE, BIAGGIO	TOWN OF YORKTOWN
2365 MOHANSIC AVE.	36.07-1-1	BETHEL, CHARLES	TOWN OF YORKTOWN
CROW HILL RD.	70.08-1-25	WEINGARTEN & NEUBERGER	TOWN OF YORKTOWN
CROW HILL RD.	70.08-1-38.11	WEINGARTEN & NEUBERGER	TOWN OF YORKTOWN
MOHANSIC AVE.	700.-1-1./0021	BETHEL, CHARLES	TOWN OF YORKTOWN

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

APPROVE COMMERCIAL GARBAGE LICENSE FOR ATNM CORP.
RESOLUTION #68

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

Resolved, that ATNM Corp. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2013.

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

AMEND RESOLUTION NUMBER 592 OF 2012 BY ADDING CONFIDENTIAL
SECRETARY TO LIST
RESOLUTION #69

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

WHEREAS Resolution Number 592 of 2012 was adopted by the Town Board on December 18, 2012, and

WHEREAS, the Town Board defined its list of Managerial Employees by Office title,

RESOLVED, that paragraph 11 is amended by adding Confidential Secretary to the list.

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

EXTEND BID WITH NATIONAL METERING SERVICES, INC. – UNTIL
FEBRUARY 15, 2013
RESOLUTION #70

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

WHEREAS, the Town awarded a one-year contract to low bidder National Metering Services, Inc., which grants the Town the option to renew the contract for one additional year; and

WHEREAS, National Metering Services, Inc. has agreed to a shorter renewal term to end on February 15, 2013; and

WHEREAS, the Town Board has determined it is in the best interest of the Town to renew the contract with National Metering Services, Inc. through February 15, 2013; now therefore, be it

RESOLVED, that the Town Board hereby exercises its option to extend the contract with National Metering Services, Inc. extending the contract to February 15, 2013, as permitted by Part Five of the Town's Request for Bids, incorporated in the contract with National Metering Services, Inc.

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

APPROVE WATER BILL ADJUSTMENT
RESOLUTION #71

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

RESOLVED, that based on Town Code 280-15D.5 (A) the homeowner should not be responsible for the excessive water recorded due to a faulty meter;

FURTHER RESOLVED, that upon recommendation of the Water Distribution Superintendent, an adjusted invoice for account #41-0245322-6 in the amount of \$65.00 be issued to Cynthia Kaplan for water consumption at 3226 Mohegan Avenue, Mohegan Lake, NY 10547.

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

EXTEND BID FOR BODYWORK ON TOWN CARS
RESOLUTION #72

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

WHEREAS, the Town Board awarded the contract for Bodywork on Town Cars to Tompkins Garage Inc., the lowest responsible bidder, on February 2, 2010, for one (1) year with the option to renew for three (3) additional years, at a rate of \$30/hour, And

WHEREAS, said contract has been renewed twice and expires on February 1, 2013;

NOW THEREFORE, BE IT RESOLVED, that upon the recommendation of the department head of the Refuse & Recycling Department, Kim Angliss-Gage, the Town Board hereby exercises its third and final option to renew the contract, and does hereby renew the contract, retroactively to February 2, 2013, for the period of February 2, 2013 through February 1, 2014.

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

EXTEND BID FOR BODYWORK ON TOWN TRUCKS
RESOLUTION #73

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

WHEREAS, the Town Board awarded the contract for Bodywork on Town Trucks to Tompkins Garage Inc., the lowest responsible bidder, on February 2, 2010, for one (1) year with the option to renew for three (3) additional years, at a rate of \$30/hour, And

WHEREAS, said contract has been renewed twice and expires on February 1, 2013;

NOW THEREFORE, BE IT RESOLVED, that upon the recommendation of the department head of the Refuse & Recycling Department, Kim Angliss-Gage, the Town Board hereby exercises its third and final option to renew the contract, and does hereby renew the contract, retroactively to February 2, 2013, for the period of February 2, 2013 through February 1, 2014.

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

The Town Board accepted the Monthly Reports from the Receiver of Taxes and Building Department for January 2013.

CREATIVE LIVING DEVELOPMENT

Supervisor Grace stated that there are concerns from several departments with regards to work that has been done on this property. Some of this work is not noted on the plan originally submitted. Supervisor Grace noted that based on some of the comments received he has a concern for safety at this site.

The Town Board had a lengthy discussion with the applicant regarding future changes to the plan.

Supervisor Grace stated that he wants a map outlining every single item addressed in the comments the Town has received and the proposed resolution and placed on the map before he signs it. He wants to be able to pull out the map and see if the changes done on site match what the Town has approved.

Mr. CJ Diven stated that he would have that done but he needs the Town Board to approve his plan tonight so that he can get the work done over the weekend.

Councilman Bianco stated that he is not approving a plan until it is in writing on the plan and in the resolution, if the applicant can do that it can be approved next Tuesday.

AMEND WETLAND PERMIT – CREATIVE LIVING DEVELOPMENT
RESOLUTION #74

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

To amend the Creative Living Development's Wetlands Permit as outlined on the map pursuant to the Town Supervisor's approval and signing of plan.

Grace, Murphy Voting Aye
Bianco, Patel Voting Nay
Resolution did not pass.

ADJOURN

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

Diana L. Quast, Deputy Town Clerk
Town of Yorktown