

Meeting of the Town Board, Town of Yorktown held on June 18, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Nicholas J. Bianco, Councilman  
Terrence P. Murphy, Councilman  
Vishnu V. Patel, Councilman  
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk  
Jeannette Koster, Town Attorney  
Patricia Caporale, Town Comptroller  
Elfriede Schmid, Receiver of Taxes

Absent:

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### PLEDGE OF ALLEGIANCE

Eagle Scout Robert Bruce 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 REPORT FROM SUPERVISOR MICHAEL GRACE.

Supervisor Grace stated that Friday night was Relay for Life which was held at the Jack DeVito Memorial Field, it was well attended and the organizers did an incredible job. He also thanked the Parks & Recreation Department. Friday night was also the Annual Rotary Club installation dinner. Joseph Guiliano, owner of Yorktown Pizza and Pasta and Rotarian Diana Penna received the Paul Harris Fellowship Award. He stated that the Rotary does great charitable work and he apologized for not being able to attend due to the relay for Life event.

#### DURING REPORTS FROM THE TOWN BOARD.

Councilman Bianco stated that a new Italian Ice shop has opened in town called Rita's and the Grand opening will be June 20<sup>th</sup>.

Councilman Murphy congratulated the Country House on their 37 year anniversary. He stated that Friday is Flag Day at the Elks. He spoke about the memorial tree which was planted at the Jack DeVito Memorial Field to honor the victims of the Newtown tragedy. He also spoke about the Chamber dinner dance and two upcoming car shows.

Councilman Patel introduced Eagle Scout Robert Bruce who built the kiosk located in Patriot Garden. He stated that the Yorktown Leo's received the Community Service Award from the Westchester Recreation and Parks Society. He stated that the Relay for Life event was attended by many and he congratulated Joe Giuliano and Diana Penna for receiving the Paul Harris Fellowship Award from the Rotary.

Eagle Scout Robert Bruce stated that he is a Yorktown Senior and achieved his Eagle Scout Award by building an informational kiosk at the Patriot Garden.

Councilman Patel wished Eagle Scout Robert Bruce success as he moves forward in his future endeavors.

Councilman Paganelli congratulated Joseph Giuliano, owner of Yorktown Pasta and Pizza and Rotarian Diana Penna for receiving the Paul Harris Fellowship Award from the Yorktown Rotary. He announced that the Yorktown Parks & Recreation Department received the Matt Dolan Innovative Program and Grant Award from the Westchester Recreation and Parks Society for the Holiday Lighted Parade and the grant

will go towards a new PA system. He thanked the Parks & Recreation Commission and Department for all their work in making the parade a success. He stated that he was grateful and honored to be a part of it.

PROCLAMATIONS

Supervisor Grace read the following Proclamation:

*WHEREAS, a community draws its spirit, strength and values from the concern and commitment of all individuals and organizations who volunteer their service to its residents; a strength measured in community pride that has enabled Yorktown to grow and prosper;*

*WHEREAS, Tricy Cushner is being honored tonight as Yorktown's Women of Distinction. Tricy donates her time to the community as President of the Alliance for Safe Kids and serving on the Yorktown School District's Council of Parent Teacher Student Association (PTSA) as well as an active participant in Relay for Life and the "Drug Crisis in our Backyard" program. Her outstanding contributions, volunteerism and many fundraising events are all done selflessly to benefit the Yorktown Community; and,*

*NOW, THEREFORE, BE IT RESOLVED, that, I, Michael J. Grace, along with the Town Board, offer our congratulations to Tricy Cushner on this special occasion for being chosen:*

*"Women of Distinction Hall of Fame"*

*and we ask all those present to join us in extending congratulations.*

Ms. Tricy Cushner stated that Yorktown is a wonderful community and it gets better and better. She thanked the Town Board.

PROCLAMATION

Supervisor Grace read the following Proclamation:

*WHEREAS, the Town of Yorktown is a community truly blessed by individuals who tirelessly give of themselves for the good of the greater community; and,*

*WHEREAS, Today we honor Helena Rodriguez as one who exemplifies the Yorktown spirit of charity and good will; and,*

*WHEREAS, Helena Rodriguez has given of herself in time and love to the Yorktown Teen Center and has touched so many of us in our community by her selfless generosity; and,*

*WHEREAS, Helena Rodriguez has made us, the collective Town of Yorktown so proud,*

*NOW, THEREFORE, BE IT RESOLVED, that it is with great pleasure that I, Michael J. Grace, along with the Town Board, hereby declare tomorrow, Wednesday, June 19, 2013:*

*"Helena Rodriguez Day in the Town of Yorktown"*

*and we ask all those present to join us in extending thanks and congratulations to Helena, a truly special person.*

Ms. Perry Matsa stated that Helena is dedicated to the children in this town, has always had a positive approach to all that we have done, she is very active knowledgeable and her experience turned the Teen Center into a success story. The Teen Center currently has 225 participants and continues to grow. Helena will be missed from the Teen Center Board.

Ms. Helena Rodriguez thanked the Town Board.

RESOLUTIONS FROM THE MEETING OF 6/04/2013

RESOLUTION #253

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

Resolved, that the Town Board Meeting Resolutions for June 4, 2013 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 members of the Town Board:

Mrs. Linda Sikios from Birch Street stated that work was done by a town department out by her house and now she is experiencing flooding on her property.

Mr. Greg Sikios from Birch Street stated that water is pooling on his property and is breeding mosquitoes. He would like the town to fix the problem.

Supervisor Grace stated that the town will take a look at it.

Mr. Gil Kauffman spoke about the "Are You Ok Program" for seniors.

Mr. Chris Sciarra spoke about St. George's Winery and asked what the reasons were that three Councilmen voted against having a public hearing on its wetlands application.

Mrs. Margaret Gspurning thanked the Building and Maintenance Department for all their work with regards to the Relay for Life event.

Mr. Jay Miller spoke about the Town Ethics Financial Disclosure Statements that are required for the Town Board, Town staff and members of volunteer boards to file. He stated that because the Town Board and others are doing the people's business, people have a right to know.

Mr. Gregory Bernard spoke about Flag Day and the old and used flags that were burned. He also asked about Perry Street and what the outcome was.

Councilman Murphy stated that he spoke with Planning Director John Tegeder and the sight distance issue is being addressed.

APPOINTMENT – REFUSE & RECYCLING

RICHARD C. WEBER – LABORER

RESOLUTION #254

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

BE IT RESOLVED, that Richard C. Weber of Yorktown, NY, is hereby appointed Laborer, job class code 0425-05, within the Refuse & Recycling Department, effective June 18, 2013 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$38,866.00 annually;

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

BE IT RESOLVED, that Richard C Weber will report to work at the Refuse & Recycling Department on July 8th, 2013, 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 July 8th, 2013.

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

Mr. Richard Weber thanked the Town Board for his appointment.

Environmental Coordinator Kim Angliss Gage thanked the Town Board for the appointment and gave Mr. Richard Weber a town shirt.

Councilman Bianco explained that this is replacement position that is being filled.

Councilman Bianco asked about the Budget Transfers for the police.

Town Comptroller Patricia Caporale stated that these are the auditor's recommendations with regards to possible liabilities and must be paid out of 2012. We don't have them but have to anticipate for them.

BUDGET TRANSFER – FINANCE DEPARTMENT  
RESOLUTION #255

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

BE IT RESOLVED, that the following 2012 budget transfer is approved:

As per auditor's adjusting entries transfer funds as per attached spreadsheets for the purposes of estimated CSEA contract settlement.

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

AMEND BUDGET TRANSFER – JUNE 11, 2013 - FINANCE DEPARTMENT  
RESOLUTION #256

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

BE IT RESOLVED, that the following 2013 budget transfer is approved:

Transfer \$53,960 from the General Fund Contingency Line (A1990.0499) to the Police Department Insurance Line (A3120.0467) to pay Fairfield County Bank Insurance Services for 2013 Police Department Professional Liability insurance premium passed on June 11, 2013 is amended to:

BE IT RESOLVED, that the following 2013 budget transfer is approved:

Transfer \$53,960 from the General Fund Legal Settlements Line (A1420.443) to the Police Department Insurance Line (A3120.0467) to pay Fairfield County Bank Insurance Services for 2013 Police Department Professional Liability insurance premium

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH VERIZON  
WIRELESS FOR CELLULAR TELEPHONE AND SERVICES  
RESOLUTION #257

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

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement between the Town of Yorktown and Verizon Wireless for cellular telephones and services in accordance with the fee schedule attached to the Agreement.

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

BUDGET TRANSFER – ENGINEERING DEPARTMENT  
RESOLUTION #258

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

BE IT RESOLVED, that the following 2013 budget transfer is approved:

Transfer \$10,000.00 from the Hunterbrook Sewer District Fund Balance to the Professional Fee Line (GD.8130.0462) for pump repair services related to the Hunterbrook Pump Station.

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

REQUEST TO INCLUDE 250 EAST MAIN STREET IN THE PEEKSKILL  
SANITARY SEWER DISTRICT – PARCEL # 6.17-2-65  
RESOLUTION #259

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

WHEREAS, the Town of Yorktown Town Board is desirous of including 1 parcel of land into the existing Peekskill Sanitary Sewer District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate parcel 6.17-2-65 (250 East Main Street – Correia) into the Peekskill Sanitary Sewer District.

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

ACCEPT EASEMENT AGREEMENTS - ANDREW & GLADYS CSERENYI  
RESOLUTION #260

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

WHEREAS, ANDREW AND GLADYS CSERENYI, are the record owners of certain real property located at 175 Loder Road, Yorktown Heights, Westchester County, New York, which property is also known and designated on the tax map of the Town of Yorktown as Section 27.19 Block 1 Lot 26, comprised of approximately 1.22 acres; and

WHEREAS, on April 8, 2013, the Planning Board of the Town of Yorktown duly adopted Resolution No. 13-03 granting modification to a conservation easement shown on the approved subdivision plat creating Lot 26, entitled “Subdivision of Property Prepared for Andrew Cserenyi and Wolodymyra Cserenyi,” prepared by Donald J. Donnelly, L.S. and last revised April 2 1987, which was filed in the Westchester County Clerk's office Division of Land Records as Map No. 23630 on March 20, 1989 (the “Filed Map”);

WHEREAS, on June 10, 2013, the Planning Board of the Town of Yorktown duly adopted Resolution No. 13-14 in which they approved the Draft Conservation Easement Agreement and recommended it for signature by the Town Supervisor;

THEREFORE BE IT NOW RESOLVED, that the Town Board authorizes the Town Supervisor to sign the easement agreement related to the Cserenyi Conservation Easement Modification approvals enumerated herein, and

RESOLVED that the related exhibits, schedules and surveys shall be finalized to the satisfaction of the Planning Department and Town Attorney; and be it

FURTHER RESOLVED that the conveyance documents shall be recorded by and at the expense of Andrew and Gladys Cserenyi, as contemplated in the Approval; and be it

FURTHER RESOLVED, that a copy of the filed instruments shall be delivered to the Town Clerk within 120 days of the execution of said easement agreements.

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

AUTHORIZE TOWN CLERK TO FILE CRETIFICATE WITH THE SECRETARY OF STATE FOR FILING A NOTICE OF CLAIM  
RESOLUTION #261

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

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It

RESOLVED, that the Town Board of the Town of Yorktown, County of Westchester designates Alice E. Roker, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 363 Underhill Avenue, Yorktown Heights, New York 10598 and email at [alice@yorktownny.org](mailto:alice@yorktownny.org), and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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

REFUND DUPLICATE TAX PAYMENT  
ACCOUNT # 0662200 - \$3,023.45  
RESOLUTION #262

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
<u>2012 Sch. 21</u>	<u>15.20-2-26</u>	<u>\$3,023.45</u>	<u>Account #0665500</u>

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

REFUND DUPLICATE TAX PAYMENT  
ACCOUNT # 0541646 - \$1,685.84  
RESOLUTION #263

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
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2013 Town/Cty      15.20-1-26.48-2      \$1,685.84      Account #0541646

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

REFUND DUPLICATE TAX PAYMENT  
ACCOUNT # 0279585- \$1,059.29  
RESOLUTION #264

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
2013 Town/Cty	5.19-1-14-416	\$1,059.29	Account #0279585

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

REFUND DUPLICATE TAX PAYMENT  
ACCOUNT # 0279584 - \$1,798.19  
RESOLUTION #265

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
2013 Town/Cty	5.19-1-14-415	\$1,798.19	Account #0279584

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

REFUND DUPLICATE TAX PAYMENT  
ACCOUNT # 0279584 - \$2,494.74  
RESOLUTION #266

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
2012 Sch. 21	5.19-1-14.- 415	\$2,494.74	Account #0279584

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

REFUND DUPLICATE TAX PAYMENT

ACCOUNT # 0279585 - \$1,426.23

RESOLUTION #267

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

<u>Tax &amp; Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
2012 Sch. 21	5.19-1-14.-416	\$1,426.23	Yorktown Realty Associates 7 Renaissance Square, 4 <sup>th</sup> Fl. White Plains, NY 10601

RESOLVED, that the Town Comptroller refund the above noted amount and supporting documentation be filed with the Town Clerk

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

AUTHORIZE THE RECEIVER OF TAXES TO REMOVE ALL LIENS FOR ALL YEARS AND CANCEL UNPAID TAXES FOR PARCELS LISTED BELOW

RESOLUTION #268

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

WHEREAS, Tax Receiver Elfriede Schmid obtained two In Rem Judgment and Orders foreclosing on the 2008 liens on the 23 below-listed parcels of real property in the Town of Yorktown; and

WHEREAS, on May 30, 2013, the Tax Receiver transferred title to the 23 below-listed parcels to the Town by in rem deed, which deeds the Town Attorney's Office is filing with the Westchester County Clerk for recording; and

WHEREAS, the Tax Receiver's records show that the below-listed parcels each have additional liens for unpaid real property taxes for prior years through and including 2012, and unpaid 2013 real property taxes, which are liens and taxes are uncollectible due to the In Rem foreclosure; and

WHEREAS, the Town of Yorktown wishes to cancel the taxes and remove the liens from the Receiver's records;

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes and directs the Receiver of Taxes to remove from her records all liens for all years, and cancel unpaid taxes, for the parcels listed below:

	<u>PARCEL ID</u>	<u>PROPERTY LOCATION</u>	<u>FORMER OWNER NAME</u>
1	6.17-1-8	3805 NELSON AVE. 424 EAST MAIN	DI SISTO, RICCARD & MARIA
2	6.17-1-49	ST.	KRASNOW, HAROLD SCHAFFER, JACOB &
3	6.18-1-33	2998 NAVAJO RD. 3314 LAKE SHORE	RUTH.
4	15.20-2-5	DR.	MENDOLIA, PAUL M & R HOLDING
5	16.9-2-7	1360 NEW RD. 3324 LOOKOUT	COMPANY GUREWITZ, DENA &
6	16.17-1-76	ST.	VARBLE,

7	17.5-1-2	441 EAST MAIN ST.	KRASNOW, HAROLD TRUST
8	25.8-3-11	LAKE SHORE DR.	MILLER, WESLEY &
9	25.8-3-12	LAKE SHORE DR.	MILLER, WESLEY & LOTZ, GEORGE & ANN
10	25.12-1-20	1687 AMAZON RD.	
11	25.16-1-26	1745 CONCORD RD.	STORELLI, JOSEPH P
12	25.16-1-27	1751 CONCORD RD.	STORELLI, JOSEPH P
13	25.16-1-28	1757 CONCORD RD.	STORELLI, JOSEPH P
14	26.8-2-72.11	DALIA CT.	NEW HOPE FARM 1
15	26.9-1-14	1495 FENWOOD RD.	
16	26.9-1-16	FENWOOD RD.	TORMES, Y. & TORMES, Y. & LOCATELLI, KENNETH & JOAN MOUNT VERNON TRAP ROCK
17	27.6-2-7	2960 HYATT ST.	
18	35.8-1-24	CROMPOND RD.	
19	36.6-2-61	LIBERTY LA.	BETHEL, CHARLES
20	37.14-1-63	2004 GILBERT ST.	SCHWARTZ, BRUCE
21	47.18-1-13	1487 HAYES DR.	POLLOCK, ANTHONY TEATOWN
22	47.18-1-21	HAYES DR.	PROPERTY OWNERS
23	48.6-1-21	1829 FRENCH HILL RD.	BLO PROPERTIES, INC.

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

BUDGET TRANSFER – LEGAL DEPARTMENT  
RESOLUTION #269

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

BE IT RESOLVED, the following budget transfers in the Town Attorney budget 2013 are hereby authorized:

Total transferred		
<b>FROM</b> each line:		
1420.0439.0000	LITIGATION OUTSIDE COUNSEL FEES	17,000
		<b>17,000</b>

Total transferred		
<b>TO</b> each line		
1420.0427.0000	OUTSIDE EXPENSES	2,000
1420.0437.0000	FORECLOSURE/SALE EXPENSES	15,000
		<b>17,000</b>

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH NEW CINGULAR  
WIRELESS PCS FOR LEASING – MOHEGAN LAKE WATER STORAGE TANK  
RESOLUTION #270

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

RESOLVED, That the Board has determined that action the amendment and extension of a lease agreement with New Cingular Wireless PCS, LLC for the maintenance of a cell tower on Town property, where there will be no material change in permit conditions or the scope of permitted activities, is a Type II action under Section 617.5(c)(26) of the New York SEQRA regulations in that, and that therefore this action requires no further review; and be it further

RESOLVED, that upon the Town's receipt from New Cingular Wireless PCS, LLC ("Tenant") of a bond in the amount of \$50,000 and insurance certificates, said bond and certificates to be satisfactory to the Town Attorney, the Supervisor shall be and is authorized to sign a First Amendment to Lease Agreement ("First Amendment") with Tenant, successor in interest to Cellular Telephone Company ("CTC"), extending a Lease Agreement between the Town and CTC dated November 30, 1990 ("Lease"), whereby the Town leased to CTC space at the Town's Mohegan Lake Water Storage Tank site, such First Amendment to have a term of ten years commencing November 16, 2010, and to provide for two (2) automatic renewal terms of sixty months each, at the schedule of rents set forth in Attachment 1 of the First Amendment (increasing from \$3,177.44/month for the period 11/16/2010 – 11/15/2011, to \$5,901.97/month for the period from 11/16/2029 – 11/15/2030).

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Yorktown, County of Westchester, State of New York, at a regular meeting held on June 18, 2013, duly adopted a resolution, an abstract of which is that, subject to permissive referendum, part of certain unimproved real property comprising approximately 1,000 sq. ft. with access thereto and located at the Mohegan Lake Water Storage Tank, continue to be leased to New Cingular Wireless PCS as successor to Cellular Telephone Company for the purpose of continuing to operate a wireless communications facility.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH NEW CINGULAR WIRELESS PCS FOR LEASING – FRENCH HILL WATER TANK SITE  
RESOLUTION #271

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

RESOLVED, That the Board has determined that action the amendment and extension of a lease agreement with New Cingular Wireless PCS, LLC for the maintenance of a cell tower on Town property, where there will be no material change in permit conditions or the scope of permitted activities, is a Type II action under Section 617.5(c)(26) of the New York SEQRA regulations in that, and that therefore this action requires no further review; and be it further

RESOLVED, that upon the Town's receipt from New Cingular Wireless PCS, LLC ("Tenant") of a bond in the amount of \$50,000 and insurance certificates, said bond and certificates to be satisfactory to the Town Attorney, the Supervisor shall be and is authorized to sign a First Amendment to Lease Agreement ("First Amendment") with Tenant, successor in interest to Cellular Telephone Company ("CTC"), extending a Lease Agreement between the Town and CTC dated November 30, 1990 ("Lease"), whereby the Town leased to CTC space at the Town's French Hill Water Storage Tank site, such First Amendment to have a term of ten years commencing November 16, 2010, and to provide for two (2) automatic renewal terms of sixty months each, at the schedule of rents set forth in Attachment 1 of the First Amendment (increasing from \$3,104.59/month for the period 11/16/2010 – 11/15/2011, to \$5,766.66/month for the period from 11/16/2029 – 11/15/2030).

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Yorktown, County of Westchester, State of New York, at a regular meeting held on June 18, 2013, duly adopted a resolution, an abstract of which is that, subject to permissive referendum, part of certain unimproved real property comprising approximately 1,000 sq. ft. with access thereto identified on the Town Tax Maps as 48.05-1-36, and located at the French Hill Water Storage Tank, continue to be leased to New Cingular Wireless PCS as

successor to Cellular Telephone Company for the purpose of continuing to operate a wireless communications facility.

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

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

Mrs. Susan Siegel asked about the liens that were removed.

Mr. Gil Kauffman asked if there are rules and regulations for senior clubs being established and asked if there is any other are you ok programs besides the County's which help to check on the well being of seniors.

Supervisor Grace stated that during the storms the town relied on the County's Are You Ok program and it worked out well. He stated that he will look into different programs and get back to Mr. Kauffman.

Councilman Paganelli stated that Parks & Recreation does have Rules & Regulations for Senior Clubs being newly established.

Mr. Chris Sciarra spoke about the winery and surrounding property.

Mr. Ed Ciffone Spoke about group homes and affordable housing.

Mrs. Susan Siegel asked what the plans are for the properties that are being taken over by the Town from tax liens.

Supervisor Grace stated that if any are sold it has to be done through competitive bidding.

Town Attorney Jeannette Koster stated that these properties have already been referred to the Open Space Committee for comment

Mr. Martin McGannon stated that Wednesday, June 26, at 7:00 P.M. Yorktown Volunteer Fire Department will hold its annual parade and invited Supervisor Grace to stand on the podium.

Supervisor Grace spoke about the winery and stated that this plan included stormwater improvements to this area where none exist now.

Councilman Bianco stated that he articulated his vote on the winery previously. He based his vote on the Conservation Board and the Open Space Committee's reports.

Councilman Murphy stated that the Conservation Board did not speak against the wetlands permit application. Their comments stated that they feel there are enough outdoor educational areas.

Supervisor Grace stated that the public should have been given the opportunity to be heard.

ADJOURN

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

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Diana L. Quast, Deputy Town Clerk  
Town of Yorktown