

Regular Meeting held by the Town Board, Town of Yorktown on March 4, 2008. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Donald S. Peters, Supervisor
James Martorano, Councilman
Nicholas Bianco, Councilman
Matthew Metz, Councilman
Louis Campisi, Councilman
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to discuss litigation with Special Counsel.

Councilman Campisi moved, seconded by Councilman Martorano to move out of Executive Session.

TOWN BOARD MEETING

Supervisor Donald S. Peters called the meeting to order. Town Attorney John Buckley was also present.

PLEDGE OF ALLEGIANCE

Supervisor Peters 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 HIS REPORT TO THE TOWN, Supervisor Peters explained that while the story in last week's North County News concerning a new senior center was correct, the headlines were wrong. The Supervisor stated that the Board is keeping all of their options open when it comes to a new senior center including adding a new wing at the Yorktown Community and Cultural Center.

DURING REPORTS FROM THE TOWN BOARD, Councilman Matthew Metz spoke about an event this past Saturday at Yorktown High School where six Yorktown students, including his daughter Meghan who moved onto the State Championships in this year's Destination Imagination Competition.

Councilman Campisi spoke about an Eagle Scout Ceremony that he and Supervisor Peters attended over the weekend.

PROCLAMATION

MENELAOS ANDREW IOANNOU

EAGLE SCOUT AWARD

WHEREAS Menelaos Andrew Ioannou, a Boy Scout from the Town of Yorktown Troop 164, has achieved the highest rank in Scouting that of Eagle Scout; and

WHEREAS Menelaos Andrew Ioannou has received this honor for his diligent work on behalf of Scouts and this community, for having the perseverance to keep with Scouting through his teenage years and to honor its tenets; and

WHEREAS Menelaos Andrew Ioannou is applauded for his leadership and initiative in the coordinating landscaping St. Basil Academy, a home for children in need, which included removing plants and installing mulch and new plants for the children to enjoy; and

WHEREAS Menelaos Andrew Ioannou, in having so attained this highest rank in Scouting, is joining the ranks of an elite cadre of youths and is deserving of the recognition of the entire population of the Town of Yorktown;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Yorktown expresses hearty congratulations to Eagle Scout Menelaos Andrew Ioannou and in recognition of his achievement this Proclamation is presented.

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

Mrs. Catherine D'Amato asked if the Town Board would place a discussion concerning sewer districts on an upcoming work session agenda.

Mr. Vishnu Patel asked residents of Yorktown to start cleaning up their neighborhoods in preparation for the upcoming Battle of Yorktown.

Mr. Bill Nero stated that the Board is expected to pass a resolution to have a tree on his neighbor's property taken down because it poses an imminent danger. He gave the Town permission to enter upon his neighbor's property by coming through his.

Mrs. Susan Siegel read an e-mail sent by Supervisor Peter's Assistant which she says is an attempt to intimidate her from sending in FOIL requests.

PUBLIC HEARING
ESTABLISH SEWER DISTRICT
YORKTOWN FARMS SUBDIVISION

Supervisor Peters convened a public hearing to consider a petition filed for the creating of the Yorktown Farms Sewer District, together with a map and plan, and which petition recites the total amount proposed to be expended for the improvement is \$672,000.00 and will be borne entirely by petitioners, Val Santucci and V.S. Construction Corp. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. David Steinmetz, attorney for the applicant explained that his client has finally received Final Subdivision Approval from the Planning Board. This sewer district is part of the plan. In addition to sewerage the twenty two homes in the sub division, 45 neighboring properties, including a Church will be sewerage at no cost.

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

ESTABLISH SEWER DISTRICT
YORKTOWN FARMS SUBDIVISION
RESOLUTION #99

Upon motion made by Councilman Metz, seconded by Councilman Martorano,

WHEREAS, by written petition dated January 17, 2008, VS Construction Corp. ("VS Construction"), owner of property contained in the proposed district, has requested the establishment of a Sewer District to be known as the "Yorktown Farms Sewer District" pursuant to map and plan showing the boundaries of a mode of construction of said proposed district, and

WHEREAS, petitions in favor of the proposed district were signed by the owners of

49 of the 67 additional properties included within the proposed district, 46 of whom are owner/residents in the proposed district, and

WHEREAS, pursuant to the provision of the Town Law of the State of New York, as amended, the expense of the maintenance of said proposed sewer district shall be assessed, levied and collected from year to year from the several lots and parcels of land within the Sewer District in proportion as nearly as may be to the benefit which each lot or parcel of land in said district will derive therefrom, and

WHEREAS, all funds to be expended for the establishment of said Sewer District and the construction thereof shall be borne entirely by VS Construction and no funds will be expended by the Town of Yorktown for the construction and establishment of said District, and

WHEREAS, the Town Planning Board considered the environmental impacts of the proposed district in conjunction with its review of the proposed Yorktown Farms Subdivision, which resulted in a Positive Declaration, pursuant to SEQRA Part 617, and

WHEREAS, Final Subdivision Plat Approval of the Yorktown Farms Subdivision was granted by the Town of Yorktown Planning Board on February 11, 2008, and

WHEREAS, due public notice and advertisement has been given, and a public hearing held and closed on this matter, on March 4, 2008,

NOW THEREFORE BE IT RESOLVED, AND ORDERED,

1. The Town Board finds and determines, under Town Law Section 194(1), (a) that the petition is signed and acknowledged or proved as required by law and otherwise sufficient, (b) all the property and property owners within the proposed district or extension are benefited thereby, (c) all the property and property owners benefited are included within the limits of the proposed district, (d) it is in the public interest to grant the relief sought and to establish this district.
2. The requested Yorktown Farms Sewer District is hereby established, in accordance with and pursuant to the said map and plan showing the boundaries of and mode of construction of said proposed sewer district.
3. The said district shall be bounded and described in accordance with the Plan prepared by Ralph G. Mastromonaco Engineering, Inc., last revised January 18, 2008, entitled "Yorktown Farms Sewer District," which is annexed as Exhibit "B" to the Petitions for the Establishment of Sewer District, and is incorporated herein by reference.
4. The expense of the maintenance of said proposed sewer district shall be assessed, levied and collected from year to year, on a benefit basis, from the several lots and parcels of land within the Sewer District in proportion as nearly as may be to the benefit which each lot or parcel of land in said district will derive therefrom.
5. The maximum amount proposed to be expended for the establishment of said Sewer District and the construction thereof, including the cost of land and rights in land will be borne entirely by the petitioner and no funds will be expended by the Town of Yorktown for the construction and establishment of said District.

The resolution is duly adopted, and the Town Clerk shall file a certified copy of this resolution with the New York State Department of Audit and control, in the form approved by Town Counsel and pursuant to Town Law Section 194(3).

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

PUBLIC HEARING
COLD WAR EXEMPTIONS

Supervisor Peters convened a public hearing to consider creating a new local law giving a property tax exemption to veterans who served on active duty in the United States Armed Forces between September 2, 1945 to December 26, 1991. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. Harold Girdlestone, Assessor for the Town of Yorktown explained that this proposal was meant to expand benefits to veterans. In order to have this apply to next year's taxes, applications must be filed prior to June 1st.

Mrs. Susan Siegel asked what dates this proposal covered?

Mr. Girdlestone explained that it covers veterans who served on active duty in the United States Armed Forces between September 2, 1945 to December 26, 1991.

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

LOCAL LAW #2 OF 2008
COLD WAR EXEMPTIONS
RESOLUTION #100

Upon motion made by Councilman Metz, seconded by Councilman Martorano,

RESOLVED, that Local Law #2 of 2008, be and is hereby adopted, as follows:

A local law - Adding a new Article X under Chapter 260 to adopt the new Cold War Veterans Exemption on residential real property located in the Town of Yorktown at the maximum levels as set by New York State and the County of Westchester pursuant to the Real Property Tax Law Section 458-b.

Be it enacted by the Town Board of the Town of Yorktown as follows:

SECTION I. Chapter 260 of the Code of the Town of Yorktown is hereby amended by adding a new Article X, Cold War Veterans Tax Exemption, to read as follows:

ARTICLE X
Cold War Veterans Tax Exemption

§ 260-35. Definitions.

As used in this article, the following terms are defined in § 458-b of the New York State Real Property Tax Law:

COLD WAR VETERAN -- A person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions.

ARMED FORCES -- The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

ACTIVE DUTY -- Full-time duty in the United States armed forces, other than active duty for training.

SERVICE CONNECTED -- With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

QUALIFIED OWNER -- A Cold War veteran, the spouse of a Cold War veteran, or the unmarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be

combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY -- Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

LATEST STATE EQUALIZATION RATE - - The latest final equalization rate established by the State Board pursuant to Article 12 of the New York State Real Property Tax Law.

LATEST CLASS RATIO -- The latest final class ratio established by the State Board pursuant to Title 1 of Article 12 of the New York State Real Property Tax Law for use in a special assessing unit as defined in § 1801 thereof.

§260-36. Exemption granted.

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate or in the case of a special assessing unit, the latest class ratio, whichever is less.

B. In addition to the exemption provided by Subsection A above, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

§260-37. Ineligibility.

If a Cold War veteran receives the exemption under § 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this article.

§260-38. Duration.

A. The exemption provided by § 260-36 of this article shall be granted for a period of 10 years. The commencement of such ten-year period shall be governed pursuant to this section.

B. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared

pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such ten-year period shall be measured from the first assessment roll in

which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subsection for the unexpired portion of the ten-year exemption period.

§ 260-39. Application for exemption.

Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the State Board. The owner or owners shall file the completed form in the Assessor's office on or before the first appropriate taxable status date.

The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

SECTION II: – If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION III - This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.

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

Councilman Metz	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Campisi	Voting	Aye
Councilman Martorano	Voting	Aye
Supervisor Peters	Voting	Aye

Local Law #2 of 2008 was thereupon declared adopted.

PUBLIC HEARING

COURTESY CAR WASH

REQUEST TO AMEND SITE PLAN – ADDITIONAL SIGN AND CANOPY

Supervisor Peters convened a public hearing to consider the application of Courtesy Car Wash to consider the application of Courtesy Car Wash for an amended Special Use Permit for premises located on Route 202 for an additional sign and canopy. Affidavits of Publication and Posting were presented by the Town Clerk.

Mr. Albert Capellini, attorney for the applicant stated that this permit will legalize the erection of two signs on the property and a canopy and vacuum apparatus at the rear of the property. He further stated that the applicant has agreed to have the sign which is currently 20 feet in the air brought down to a legal height of 16 feet. We plan to have the vertical sign in the rear made horizontally as the Planning Board recommended. The dead pine trees will be replaced with new pine trees. He further stated that while it is true that the canopy does run the length of five car spaces, they are still used as parking spaces. The canopy is only used on sunny days when a car is being waxed.

Highway Superintendent stated that he supports this request. He believes the applicant has done so much to enhance this property.

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

COURTESY CAR WASH
AMENDED SITE PLAN
RESOLUTION #101

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

WHEREAS, the Town board of the Town of Yorktown has received from Courtesy Car Wash (202 Gas Mart Inc.) an application pursuant to Section 300-46 of the Yorktown Town Code for amendment of the special use permit for an existing car wash and gasoline filling station located at 3709 Crompond Road, AKA Section 36.5, Parcel 1, Lot 19 in the Town of Yorktown and,

WHEREAS, the applicant proposes the addition of two car wash menu signs, a vacuum cleaner apparatus and a canopy, and,

WHEREAS, the application was referred to and reviewed by the Advisory Board on Architecture and Community Appearance (ABACA), the Conservation Board, the Planning Department and the Planning Board of the Town of Yorktown; and

WHEREAS, responses were received from ABACA, the Conservation Board, and the Planning Board, and

WHEREAS, the Town Board convened a Public Hearing with respect to the application on March 4, 2008, at which the applicant was represented by its Counsel, Albert Capellini and;

WHEREAS, the applicant filed a short form EAF pursuant to SEQRA, and

WHEREAS, the Town Board has determined that the proposed project will not result in any large or significant impacts, and therefore, is one which will not have a significant effect on the environment, and

WHEREAS, after review of the EAF, and record in this matter, the Town Board adopted a negative declaration pursuant to SEQRA and,

WHEREAS, the applicant has agreed to lower the freestanding signs to heights of 16 feet as required by Town Code.

RESOLVED, that the special use permit for a canopy, two car wash menu signs and the vacuum cleaner apparatus shown on the plans submitted by the applicant and filed with the Town is granted on condition that the information contained in item #'s 1 through 5 in the memorandum to the Town Board from ABACA dated February 15, 2008 is provided to them and that items 1 through 5 of the Planning Board memorandum received February 12, 2008 are met.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted.

ADVERTISE JOINT MEETING
TOWN OF CORTLANDT

The Town Board of the Town of Yorktown will meet on April 9, 2008 at the Cortlandt Town Hall to discuss the status of the Sustainable Development Implementation Committee.

ADVERTISE BID
BUSES FOR DAY CAMPS
PARKS AND RECREATION DEPARTMENT
RESOLUTION #102

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 10:00 AM on Thursday, March 20, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for contracting bus service for various programs in the Yorktown Parks and Recreation Department. Bids may be made on a total per section basis, a group basis or the total bid. The Town reserves the right to award the bid(s) on a lowest cost per section basis, a lowest cost for a group of sections basis or the lowest cost for a total bid (Section I: School Buses - Camps; Section II: Coaches - Camps), for a one (1) year contract starting April 1, 2008 and ending on March 31, 2009.

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.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

ADVERTISE BID
HVAC SERVICE AND MAINTENANCE CONTRACT
RESOLUTION #103

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, March 17, 2008 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for HVAC Service and Maintenance Contract.

All bids must be accompanied by an execute 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.

Payment and/or Performance Bonds may be required. A bid deposit equal to ten percent (10%) of the total bid shall be submitted with each bid. Such bid deposit shall be in the form of a bid bond or certified check.

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.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AWARD BID
FORD CROWN VICTORIA MARKED PATROL VEHICLES
RESOLUTION #104

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

WHEREAS, invitation to bid for the purchase of 2008 Ford Crown Victoria Police Interceptor Marked Patrol Cars was duly advertised, and

WHEREAS, said bid was received and opened on February 19, 2008, with the bid amount summarized as follows:

Warnock Automotive Inc.	\$20,751.00
John Vance Auto Group	\$21,433.00

RESOLVED, that the 2008 Ford Crown Victoria Marked Police Interceptor bid is hereby awarded to Warnock Automotive Inc., d/b/a/ Warnock Fleet of East Hanover New Jersey, in the amount of \$20,751.00, the lowest responsible bidder

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AWARD BID
FORD CROWN VICTORIA UN-MARKED PATROL VEHICLES
RESOLUTION #105

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

WHEREAS, invitation to bid for the purchase of 2008 Ford Crown Victoria Police Interceptor Un-Marked Patrol Cars was duly advertised, and

WHEREAS, said bid was received and opened on February 19, 2008, with the bid amount summarized as follows:

Warnock Automotive Inc.	\$21,491.00
John Vance Auto Group	\$22,193.00

RESOLVED, that the 2008 Ford Crown Victoria Un-Marked Police Interceptor bid is hereby awarded to Warnock Automotive Inc., d/b/a/ Warnock Fleet of East Hanover New Jersey, in the amount of \$21,491.00, the lowest responsible bidder.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AWARD BID
FORD EXPLORER 4X4 PATROL VEHICLES
RESOLUTION #106

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

WHEREAS, invitation to bid for the purchase of 2008 Ford Explorer 4x4 was duly advertised, and

WHEREAS, said bid was received and opened on February 19, 2008, with the bid amount summarized as follows:

Warnock Automotive Inc.	\$21,972.00
John Vance Auto Group	\$22,248.00

RESOLVED, that the 2008 Ford Explorer 4x4 bid is hereby awarded to Warnock Automotive Inc., d/b/a/ Warnock Fleet of East Hanover New Jersey, in the amount of \$21,972.00, the lowest responsible bidder.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AWARD BID
FORD EXPEDITION 4X4 PATROL VEHICLES
RESOLUTION #107

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

WHEREAS, invitation to bid for the purchase of 2008 Ford Expedition 4x4 was duly advertised, and

WHEREAS, said bid was received and opened on February 19, 2008, with the bid amount summarized as follows:

Warnock Automotive Inc.	\$25,441.00
John Vance Auto Group	\$25,768.00

RESOLVED, that the 2008 Ford Expedition 4x4 bid is hereby awarded to Warnock Automotive Inc., d/b/a/ Warnock Fleet of East Hanover New Jersey, in the amount of \$25,441.00, the lowest responsible bidder.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AWARD BID
DODGE CHARGER PATROL VEHICLES
RESOLUTION #108

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

WHEREAS, invitation to bid for the purchase of 2008 Dodge Charger Police Package Patrol Cars was duly advertised, and

WHEREAS, said bid was received and opened on February 19, 2008, with the bid amount summarized as follows:

Warnock Automotive Inc.	\$21,807.00
John Vance Auto Group	\$22,083.00

RESOLVED, that the 2008 Dodge Charger Police Package bid is hereby awarded to Warnock Automotive Inc., d/b/a/ Warnock Fleet of East Hanover New Jersey, in the amount of \$21,807.00, the lowest responsible bidder.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

RETIREMENT
PATRICK - DEFEO – WATER DEPARTMENT

The Town Board accepted the retirement of Patrick DeFeo from the Water Department.

AUTHORIZE SUPERVISOR TO SIGN
DOCUMENTS NECESSARY TO NULIFY LOCAL LAW #17 OF 2007
RESOLUTION #109

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

WHEREAS, the Westchester County Supreme Court's 2007 decision in the consolidated Wallach, Wilkins and Hoenig challenge to the Comprehensive Plan resulted in the invalidation of said Plan and further,

WHEREAS, while the Town is developing the new 2007-2008 Comprehensive Plan to replace the invalidated Plan, the zoning in place on the Peterson property is C-2 and further,

WHEREAS, Mr. Peterson has offered to dismiss his current litigation without prejudice if the Town formally nullifies Local Law 17 which was effectively but not explicitly invalidated by the Court's decision in the Wallach, Wilkins and Hoenig case and further,

WHEREAS, the nullification of Local Law 17 will formally re-institute the C-2 designation throughout the entire Peterson parcel and will not have an effect on any other property in the Town of Yorktown, now therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to execute any documents necessary to invalidate Local Law 17 and any documents necessary on settle the Peterson v. Town of Yorktown litigation on the terms set out above.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AUTHORIZE TOWN EMPLOYEES
TO TAKE DOWN DANGEROUS TREE
RESOLUTION #110

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

WHEREAS, by report dated March 3, 2008, Code Enforcement Officer Joseph Hughes advised the Town Board that the property located at 3294 Tamarack Street, which is owned by Albert Colon and Deborah Simm, and which is designated as Section 16.17, Block 4, Lot 4 on the Tax Map of the Town of Yorktown (the "Property") has a tree that was struck by lightning and is in danger of falling onto the neighbor's property which is in an unsafe condition; and

WHEREAS, the property is abandoned and going into foreclosure and due to the inability to find the property owners; now therefore be it

RESOLVED, that the Director of Labor Operations is hereby authorized and directed to hire a private company to remove the tree; and be it further

RESOLVED, that the Director of Labor Operations shall keep a record of all costs and expenses incurred in connection with the activities performed on the Property; and be it further

RESOLVED, that all costs and expenses incurred by the Town in connection with the proceedings to remedy, remove or repair any unsafe condition, as well as a surcharge of 10% and legal expenses, shall be assessed against the Property pursuant to § 225-8 of the Town Code.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

APPROVE 2007 BUDGET TRANSFERS
RESOLUTION #111

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

BE IT RESOLVED, the 2007 budget transfers and capital project funding is hereby approved.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT WITH CHARLES SELLS, INC. FOR
WORK ON VARIOUS TOWN PROJECTS
RESOLUTION #112

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Chas H. Sells, Inc., for consulting services for Various Town Projects at Multiple Locations, at a total cost of \$186,000.00.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

REDUCTION PERFORMANCE BOND
CARR ACRES SUBDIVISION – SAW MILL RIVER ROAD
RESOLUTION #113

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

WHEREAS, Kenneth Mikkelsen, as applicant, provided the Town with Check No. 2471, in the amount of \$23,241.00, that was deposited into the T-33 account on February 8, 2002, to serve as the Performance Bond for the Carr Acres Subdivision, located on Saw Mill River Road, and

WHEREAS, Kenneth Mikkelsen, as applicant, provided the Town with Check No. 2463, in the amount of \$2,000.00, that was deposited into the T-33 account on February 8, 2002, to serve as the Erosion Control Bond for the Carr Acres Subdivision, and

WHEREAS, Kenneth Mikkelsen has requested a Performance Bond reduction of \$15,000 (\$23,241.00 - \$15,000.00 = \$8,241) for work completed at the Carr Acres Subdivision, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced bond may be reduced, NOW, THEREFORE BE IT

RESOLVED, that the above referenced bond be reduced to \$8,241.00, AND, BE IT FURTHER

RESOLVED, that the above referenced Erosion Control Bond be held in full force and effect.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN
PROFESSIONAL SERVICES AGREEMENT
FRED KOELSCH FOR GIS SERVICES
RESOLUTION #114

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Fred Koelsch, for GIS Services for the Town of

Yorktown, for the time period of April 1, 2008 to March 31, 2010, and BE IT FURTHER

RESOLVED, that the above referenced services are not to exceed a maximum annual fee of \$39,000.00.

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

APPROVE RENEWAL COMMERCIAL GARBAGE LICENSE
CRP SANITATION
RESOLUTION #115

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

RESOLVED, that CRP Sanitation Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2008.

Peters, Martorano, Bianco, Campisi Voting Aye
Metz Recused himself
Resolution adopted

APPROVE COMMERCIAL GARBAGE LICENSE
ROGAN BROTHERS
RESOLUTION #116

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

RESOLVED, that Rogan Brothers Inc. be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2008.

Peters, Martorano, Bianco, Campisi Voting Aye
Metz Recused himself
Resolution adopted

REFUND DUPLICATE TAX PAYMENT
RESOLUTION #117

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

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

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2007 Sch 22	48.18-1-10	4627500	\$4,230.86

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

Peters, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted

MONTHLY REPORTS

Receiver of Taxes (2)

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

Mrs. Susan Siegel questioned whether the Town violated the Open Meetings Law when the Supervisor announced his Liaisons to Advisory Boards.

Councilman Metz stated that the Board went back into open session and the door was opened when they discussed this issue during the last work session.

Mr. Raymond Arnold stated that the Town Board is not allowed by law to vote on anything during a work session.

The Town Clerk explained to Mr. Arnold that the Town Board can take a vote on anything during any meeting that is duly advertised. She further explains that each meeting including work sessions are advertised.

Councilman Matthew Metz also told Mrs. Siegel that she was being intellectually misleading. The Town has never thwarted any of her efforts to receive information. In fact, many department heads including the Town Comptroller and Town Engineer have spent hours with her both giving and explaining information that she is looking for.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown