

Regular meeting held by the Town Board,  
Town of Yorktown on November 1, 2011 held at  
363 Underhill Avenue, Yorktown Heights, NY 10598

Present: Susan Siegel, Supervisor  
Nicholas Bianco, Councilman  
James Martorano, Councilman  
Terrence Murphy, Councilman  
Vishnu Patel, Councilman  
Diana L. Quast, Deputy Town Clerk

#### TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

#### PLEDGE OF ALLEGIANCE

Eagle Scout Edward Fredericks, Jr. 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 Siegel made several announcements:

She thanked the Highway Department and other Town staff for all their efforts during the storm. She also thanked the Police Department, Lakeland School District and the Red Cross Staff.

She stated that if you have branches that came down during the storm, they need to be tied together in 4' lengths brought to curbside and call the Department of Environmental Conservation for a pick up at 914-245-4438 or residents can bring them to the Recycling Center on Greenwood Street which is open Monday through Saturday, 7:30 AM – 2:45 PM.

She stated that the Town activated its new Emergency Notification System to alert residents regarding the storm and shelters.

She announced that Tuesday, November 8, 2011 is General Election Day. There have been changes to some of the voting places. Contact the Town Clerk's office for more information at 914-962-5722 x210.

She stated that the 2012 Tentative Budget will be available tomorrow and explained the tax increases that residents will see in their taxes next year.

She announced that the Tentative Budget will be reviewed by the Town Board on November 10, 2011, and November 11, 2011. The Preliminary Budget will be available after it is adopted by the Town Board.

#### TOWN BOARD STATEMENT REGARDING COMMENTS MADE AT OCTOBER 18, 2011 TOWN BOARD MEETING

Supervisor Siegel read the following statement on behalf of the Town Board:

During the public hearing on the proposed Affordable Housing Law at the October 18, 2011 Town Board Meeting, a member of the public made a statement in opposition to the law, acting in his individual capacity. Once confirmed, it was clear that one portion of one of the statements could be construed as being discriminatory in nature.

The Yorktown Town Board condemns any and all statements of this kind. There is no place in Yorktown for any remarks of a discriminatory nature. It is our sincere hope that comments like this will not be heard again in Yorktown.

#### DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco thanked the Lakeland School District for opening one of the schools up as a shelter for residents. He stated that many people are still out and feels that NYSEG should have a better notification system. He stated that they should just give the entire territory to Con Edison. He stated that a public hearing should be called for the lack of response from NYSEG.

Councilman Martorano stated that he agreed with Councilman Bianco. He believes that Yorktown residents came together during the storm to help each other. He also asked Senator Ball to investigate NYSEG on their lack of response to the outages because this is a matter of public safety. He thanked the Highway Department, Lakeland School District, Red Cross and everyone who help during the aftermath of the storm. He congratulated everyone for weathering through the storm.

Councilman Murphy thanked Town employee Daniel Cruz for driving residents of the Country House to the shelter at Copper Beech School. The Yorktown Police for helping residents of Beaver Ridge and the Yorktown Ambulance Corps. He also thanked State Assemblyman Katz and State Senator Greg Ball for all their assistance to the residents of Yorktown during the storm.

Councilman Patel thanked the Lakeland School District for all its assistance during the storm. He also spoke about a Yorktown High School Student who was honored last year in the Science Research Program.

#### PRESENTATION

##### NEW YORK SENATOR GREG BALL

New York State Senator Greg Ball stated that it is a pleasure for him to be here. As you all know we have a State-wide Veterans Hall of Fame and here in the Hudson Valley have set up a very special Veterans Hall of Fame. November 10, 2011, we will be having a formal presentation for veterans that have been nominated by their respective Town Boards. We all join in celebrating the commitment our veterans have made. We stand as a great community even during tough times on their shoulders and their commitment and their sacrifice and they represent the greatest that America has ever had. He stated that he was here today to accept the Town's nomination of John McQuillan for the Veterans Hall of Fame.

Supervisor Siegel read the following Proclamation:

*WHEREAS America's most precious resource is the strength of its people, a strength measured in national pride and community commitment that has enabled Yorktown to grow and prosper; and*

*WHEREAS John McQuillan served honorably and with distinction in the U.S. Air Force from 1966 to 1970, and has been an active member of the American Legion Post #1009, and was recently honored by the Boy Scouts of America for 50 years of Scouting leadership; and*

*WHEREAS John McQuillan has identified all veteran's graves in Yorktown and each year he mobilizes local Scouts in placing American flags on these graves to commemorate Memorial Day; and*

*WHEREAS we are gathered here today to honor John McQuillan for his dedicated service to the Town of Yorktown and his nomination to be inducted into the New York State Veterans' Hall of Fame.*

*NOW, THEREFORE, BE IT RESOLVED, that the Town of Yorktown expresses congratulations to John McQuillan, and in recognition of his nomination, this Proclamation is presented.*

Mr. John McQuillan stated that he wanted to thank the Town Board, members of the American Legion and Commander Al Laughlin who nominated him for this award.

Supervisor Siegel thanked New York State Senator Greg Ball for being instrumental in creating this Hall of Fame and recognizing the service of the veterans.

Senator Ball stated that it will be great; it will be posted at Yorktown Town Hall and will be a mobile unit which will be traveling throughout the Hudson Valley region and other places.

Senator Greg Ball stated that NYSEG must be held accountable and there has to be a State-wide investigation into the Utility Companies. Con Edison did respond better but they had problems too. NYSEG is behind the power curve when it comes to responding to constituents, providing the information that is important from their website to their telecommunications.

Senator Ball stated that New York State has passed a balanced budget. He is supporting unfunded mandate relief. The 2% Tax Cap is not perfect but fundamentally we will have shifted the equation in the Hudson Valley area and beyond. Something had to be done to stop the double digit tax increases at all levels. He would have focused on School Districts specifically because they make up 70% of the overall tax burden.

Senator Ball stated that he thinks there will be a phased or full repeal of the MTA tax next year. He spoke about an Ethics Reform Package recently passed in Albany. He further stated that any veteran that has any issue can contact Senator Ball's office. We have accomplished a great deal but need many more issues addressed. Senator Ball introduced former Mayor Delfino who is working with Senator Ball on improving Economic Development.

#### PRESENTATION

##### WATER DISTRIBUTION SUPERINTENDENT DAVID RAMBO

Water Distribution Superintendent David Rambo stated that his presentation is geared to the residents who will be affected by the new meters. In 1986, the Water Department began upgrading to a touch read system. We will be hiring an outside company to replace the meters throughout the town. He feels the Water Department staff would be overwhelmed if they had to replace them along with all the other responsibilities they have. Mr. Rambo introduced Chris Goodrich from E.J. Prescott who will talk about the new water meters and then Bill Castle from National Metering who will talk about the installation of the new meters.

Mr. Goodrich stated that E.J. Prescott is a distributor and has been awarded the contract to provide the new water meters to Yorktown. He went on to describe how they work.

Mr. Castle stated that National Metering has been awarded the bid to install the new water meters. He went on to describe how they would be installing them throughout the Town.

#### PRESENTATION

##### CABLE COMMITTEE CHAIR GEOFF WHEELER

Supervisor Siegel stated that the money for the upgrade to the audio visual equipment in the boardroom came through the PEG money from Cablevision and Verizon and from a donation from the Spadaccia family in honored of former Supervisor Dante Spadaccia. She thanked Mike Dubovsky for doing the new lighting in the Board room. She also thanked Devito and Sons for putting in the new ceiling, Tom Sciangalis and Town Employee Steve Fiella for building the enclosure that houses the equipment.

Mr. Geoff Wheeler spoke about the upgrade to the audio and video equipment in the Town Board meeting room. He thanked everyone for their support. He thanked his wife, Town Clerk Alice Roker for her guidance throughout this project. He also thanked several Town staff members for their help as well.

#### APPOINTMENT

##### DAVID TETRO – ABACA

##### RESOLUTION #528

Upon motion made by Supervisor Siegel, seconded by Councilman Martorano,

BE IT RESOLVED, that David Tetro is hereby appointed as a member of the Advisory Board of Architecture & Community Appearance to fulfill the unexpired term of Laurence Dalfino expiring 6/30/12.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT

DAVID MCCONNELL – ABACA

RESOLUTION #529

Upon motion made by Supervisor Siegel, seconded by Councilman Martorano,

BE IT RESOLVED, that David McConnell is hereby reappointed as a member of the Advisory Board of Architecture & Community Appearance to fulfill the unexpired term of James Hanratty expiring 12/31/12.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINMENT

HEIKE SCHNEIDER – ABACA - ALTERNATE MEMBER

RESOLUTION #530

Upon motion made by Supervisor Siegel, seconded by Councilman Martorano,

BE IT RESOLVED, Heike Schneider is hereby appointed as an Alternate Member of the Advisory Board of Architecture & Community Appearance for a three year expiring on 12/31/14.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RESIGNATION

ANN KUTTER – CONSERVATION BOARD

The Town Board accepted with regret the resignation of Ann Kutter from the Conservation Board.

RESIGNATION

LAURENCE DALFINO - ABACA

The Town Board accepted with regret the resignation of Laurence Dalfino from the Advisory Board on Architecture and Community Appearance - ABACA

RESIGNATION

JAMES HANRATTY - ABACA

The Town Board accepted with regret the resignation of James Hanratty from the Advisory Board on Architecture and Community Appearance – ABACA

RESIGNATION

ROBERT GAROFALO – ETHICS BOARD

The Town Board accepted with regret the resignation of Robert Garofalo from the Ethics Board.

APPROVE RESOLUTIONS FROM OCTOBER 18, 2011

RESOLUTION #531

Upon motion made by Supervisor Siegel, Seconded by Councilman Patel,

Resolved, that the Town Board Meeting Resolutions for October 18, 2011 are approved as amended by the Town Board.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Ms. Marcy Zedans spoke about the Bright Beginnings Program at the Yorktown Community Cultural Center. She feels there is not enough effort to keep the building open. She feels that the Town Board should install a permanent generator to make sure the building is always open because it does serve the community in several ways. She thanked all the Town Employees for all their work throughout the storm. Trees and branches is what brought down the power lines and we need to keep them trimmed back.

Mrs. Maura Gregory spoke about the public hearing held on October 18, 2011 regarding the proposed Affordable Housing Law. She stated that Mr. Ed Ciffone made comments during the public hearing that greatly offended her. Mr. Ciffone stated that “what it is, is just a settlement where people from the outside of different color, different race has the opportunity to get this affordable housing first” later in his comments he said “we have more then enough diversity in this town. She stated that reasonable people can have reasonable disagreements about the issue of affordable housing but sometimes the opposition is based on something not so reasonable which is fear of and hostility to people who are as Mr. Ciffone put it, of different color and of a different race, people from the outside as he put it. He wants the people of this town to elect him to office and he stands up here and says something that should offend everyone in ear shot of it. She stated that Mr. Ciffone has a First Amendment right to say them but we have the moral duty to call him out. We must never be silent about human rights.

Mr. Mel Tanzman spoke about the handicapped parking available in front of Town Hall and asked about the two extra handicapped parking signs that should be placed outside on meeting nights. He also asked if assisted listening devices can be provided which are compatible with hearing aids so everyone can participate.

COURTESY OF THE FLOOR IS CLOSED

REQUEST TO PURCHASE TWO PERMANENT GENERATORS FOR TOWN HALL AND YCCC RESOLUTION #532

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

Resolved, that the Town is authorized to purchase emergency generators for the Yorktown Cultural and Community Center and Town Hall, to be paid for with funds from the Fund Balance.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

Supervisor Siegel responded too many of the concerns raised tonight including the following:

She stated that she has been working with Mr. Tanzman with ADA compliance in our parks and will follow up on the additional handicapped parking spots in front of Town Hall. She will also research the issue of listening devices.

Councilman Bianco stated that this is an example of an unfunded mandate because our State people can’t get the utility companies to perform the jobs that they are suppose to be doing.

RECONVENE PUBLIC HEARING RELIEF FROM MORATORIUM – SILVERMAN – 1360 WHITEHILL ROAD

Supervisor Siegel reconvened a public hearing to consider the application of Paul and Jennifer Silverman seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the Building Department’s review process for an accessory detached structure to their residence known on the Yorktown tax map as 36.10-1-80. The Town Clerk presented affidavits of posting and publication.

No public comment was received.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Martorano.

The Town Board decided to reserve decision on this Public Hearing.

CONVENE PUBLIC HEARING

REQUEST RELIEF FROM MORATORIUM – CUTIGNOLA – 317 HEATHER COURT

Supervisor Siegel convened a public hearing to consider the application of Steven Cutignola seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the process to erect a shed on his property located at 317 Heather Court, Yorktown Heights, NY. The Town Clerk presented affidavits of posting and publication.

Mr. Cutignola stated that he is seeking relief from the Building Moratorium on Accessory Structures due to a shed being destroyed during Hurricane Irene. It was a hazard and had to come down. He would like to replace it.

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

GRANTED RELIEF FROM MORATORIUM

CUTIGNOLA – 317 HEATHER COURT

RESOLUTION #533

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

WHEREAS Town resident Steven G. Cutignola (“Applicant”) has filed an application seeking relief from the applicability of the provisions of Local Law 8 of the year 2011 (the “Moratorium”) in order to be able to apply for a building permit to install an accessory building on the site of a preexisting shed that fell during a snowstorm at 317 Heather Court, Yorktown Heights; and

WHEREAS Applicant stated that the shed he wishes to install is a prefabricated garage to be installed at the same location on his property as the previous shed was located; and

WHEREAS, a public hearing was convened on November 1, 2011, to afford Applicant, and any other party wishing to present evidence with regard to the application, an opportunity to be heard with respect to the application for relief.

WHEREAS Applicant appeared at the public hearing and presented an explanation of and arguments in support of the application for relief ; and

WHEREAS the Town Board finds that the proposed shed as described by Applicant will not be larger than the main building on the property, and therefore should not conflict with the holding in *Witkovich v. Town of Yorktown*, and

WHEREAS, Applicant has established to the satisfaction of the Town Board that he needs to apply for a building permit before the moratorium ends in order to get his application approved so as to be able to install the shed before winter;

NOW THEREFORE BE IT RESOLVED, that the Town Board finds that Applicant has shown to the satisfaction of the Board that the proposed accessory building is intended to be a replacement for a preexisting shed of approximately the same size, that there was no opposition to the application;

RESOLVED, that the Town Board finds that Applicant has adequately demonstrated the existence of a hardship;

RESOLVED that the application of Applicant, seeking relief from the Moratorium in order to seek the approvals needed from the Town to allow Applicant to commence construction, is hereby granted; and

RESOLVED, upon the Building Inspector determining that all applicable laws have been complied with in the application for a building permit and any variance needed Applicant has been granted by the Zoning Board of Appeals, if any is required, the Building Inspector may issue a permit to Applicant.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

CONVENE PUBLIC HEARING  
EXTEND MORATORIUM ON ISSUING BUILDING PERMITS FOR ACCESSORY STRUCTURES

Supervisor Siegel convened a public hearing for the purpose of extending the Moratorium with respect to “Approvals for Buildings Accessory to Residences to December 31, 2011. The Town Clerk presented affidavits of posting and publication.

No public comment was received.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Martorano.

LOCAL LAW #16 OF 2011 EXTENDING MORATORIUM ON ISSUING BUILDING PERMITS ON ACCESSORY STRUCTURES  
RESOLUTION #534

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

WHEREAS, a public hearing was held on November 1, 2011 pursuant to notice duly published as required by law for the purpose of extending the Moratorium with respect to “Approvals for Buildings Accessory to Residences to December 31, 2011. Now therefore be it

RESOLVED, that Local Law #16/2011, as annexed hereto, be and is hereby adopted.

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

Councilman Martorano	Voting	AYE
Councilman Bianco	Voting	AYE
Councilman Murphy	Voting	AYE
Councilman Patel	Voting	AYE
Supervisor Siegel	Voting	AYE

Local Law # 16/2011 was thereupon declared adopted.

CONVENE PUBLIC HEARING  
URBAN RENEWAL AGENCY TO CONVEY PROPERTY

Supervisor Siegel convened a public hearing to designate itself as the Yorktown Urban Renewal Agency for the purpose of conveying property to the Town of Yorktown. The Town Clerk presented affidavits of posting and publication.

BE IT FURTHER RESOLVED, that the said property to be conveyed is known as follows:

37.19-1-19	Railroad Avenue & Hanover Street
37.18-2-59	320 Downing Drive
37.18-2-69	Underhill Avenue
37.19-1-10	Underhill Avenue

No public comment was received.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned. Councilman Bianco motioned, seconded by Councilman Martorano.

CROTON OVERLOOK  
REVIEW AND ACCEPT FEIS COMPLETENESS  
RESOLUTION #535

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

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a Verified Petition dated June 10, 2010, from Croton Overlook Corporation ("Petitioner"), as owner of a parcel identified as certain real property, comprised of 62.33 acres located east of the intersection of NYS Routes 134 and 100, designated on the Town Tax Map as parcels 70.15-1-2 and 70.11-1-16 ("Property"), seeking to change the zoning of the Property from R1-80 to RSP-1 in order to construct age-restricted fee simple housing units; and

WHEREAS, on June 15, 2010 the Town Board declared its intent to act as the lead agency in connection with all processing procedures, determinations, and findings to be made or conducted with respect to the petition for rezone of Croton Overlook Corporation under Section 8-0101, et. seq., of the Environmental Conservation Law ("SEQRA") and the regulations promulgated by the New York State Department of Environmental Conservation there under, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"); and

WHEREAS, the Town Board thereafter: (i) declared lead agency status in connection with the SEQRA review of the Project, and commenced review of the proposed Project in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (ii) determined that the proposed action may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (iii) directed that a public scoping session be held at its February 15, 2011 regular meeting, in accordance with 6 N.Y.C.R.R. 617.8; and (iv) directed that a written notice of its determination of significance and notice of the public scoping session, together with a draft DEIS Scoping Outline, be sent to all involved and interested agencies as well as made available to all known individuals and organizations which had expressed an interest to the Town Board concerning the Project; and

WHEREAS, a DEIS Scoping Outline was prepared in accordance with 6 N.Y.C.R.R. 617.8 and accepted by the Town Board by resolution at its regular meeting of April 12, 2011; and

WHEREAS, Croton Overlook Corporation prepared and submitted a preliminary DEIS for the Town Board's review to determine its completeness as required by the accepted final written scope and its adequacy for public review in accordance with 6 N.Y.C.R.R. 617.9 (a) (2); and

WHEREAS, on July 12, 2011 the Town Board determined the DEIS for Croton Overlook Corporation was complete with respect to the scope, content, and adequacy necessary to afford the public and involved and interested agencies the opportunity to consider the DEIS for the purpose of commencing public review of the proposed project, pursuant to SEQRA and the regulations promulgated by the New York State Department of Environmental Conservation there under, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"); and

WHEREAS, as Lead Agency, the Town Board held a public hearing on the DEIS on August 2, 2011 at Shrub Oak Memorial Park, located at 3800 Sunnyside Street, Shrub Oak, NY, 10588, at which time public comment on the DEIS was received by the Town Board and thereafter, the Town Board continued to accept written comments from the public and involved and interested agencies until August 30, 2011; and

WHEREAS, a FEIS was prepared to respond to the substantive oral and written comments to the DEIS; and

WHEREAS, the Town Board has found that the FEIS adequately addresses the oral and written comments on the DEIS;



NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown determines that the FEIS for the Croton Overlook Corporation is complete with respect to the scope, content and adequacy necessary to afford the public and involved and interested agencies the opportunity to consider the FEIS, and be it

RESOLVED, that the Town Board acting as Lead Agency determines that the FEIS is complete and constitutes the Final Environmental Impact Statement; and be it further

RESOLVED, that the Town staff shall distribute copies of the Final Environmental Impact Statement in accordance with NYS Department of Environmental Conservation Rule 617.9 and 617.12 (6 NYCRR §617.9 and §617.12), keep copies of the Final Environmental Impact Statement available for review and reproduction and distribution to the public, and deposit a copy or copies of the Final Environmental Impact Statement with the Yorktown Town Clerk, in the Yorktown Planning Department, at the John C. Hart Memorial Library; and on the Town of Yorktown website: [www.yorktownny.org](http://www.yorktownny.org); and be it further

RESOLVED, that Town staff, the Town's planning consultant, other consultants, special counsel and counsel take all steps necessary to implement the foregoing resolutions.

FURTHER RESOLVED, that the attached "Notice of Completion of FEIS" be filed, distributed and published in accordance with the SEQRA Regulations.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE PUBLIC HEARING  
REQUEST FOR A WETLANDS PERMIT – CON EDISON  
RESOLUTION #536

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of December, 2011 at 7:30 o'clock PM to consider the application of Consolidated Edison for a Wetland Permit for the implementation of their Vegetation Management Plan (VMP) within the Consolidated Edison Right-of-Way (ROW) for the "F&P" high voltage transmission lines. Hand cutting and pruning is to be performed by a crew to ensure safety and regional electric reliability.

A copy of said proposal is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

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

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE PUBLIC HEARING  
PROPOSED LOCAL LAW AMENDING CHAPTER 10 REGARDING THE NUMBER OF  
MEMBERS CONSTITUTING THE ADVISORY BOARD ON ARCHITECTURE AND  
COMMUNITY APPEARANCE (ABACA)  
RESOLUTION #537

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 at 7:30PM, or as soon thereafter as the same can be heard, to amend section 10-2 of Chapter 10 of the Code of the Town of Yorktown entitled "BOARDS AND COMMISSIONS" relating to membership in the Advisory Board on Architecture and Community Appearance.

A copy of the 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.

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

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BID

CHANNEL VOICE RECORDING DEVICE – POLICE DEPARTMENT  
RESOLUTION #538

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

WHEREAS, an invitation to submit bids to provide a Verint Audiolog Series Redundant Pro 24 Channel Recording Device to the Town Police Department was duly advertised, and

WHEREAS, said bids were received and opened on October 14, 2011, with the bid amount summarized as follows:

J.E.I	\$13,753.08
Stancil Solutions	\$18,284.00
Business Electronic Inc.	\$19,375.00
Mayday Communications Inc.	\$26,180.00

WHEREAS, J.E.I.'s bid did not meet 17 of the technical specifications and Stancil Solutions' bid did not meet 7 of the technical specifications, now

THEREFORE BE IT RESOLVED, that the Town Board hereby rejects the lowest bids received from J.E.I. in the amount of \$13,753.08 and Stancil Solutions in the amount of \$18,284.00, and be it

FURTHER RESOLVED, that the Town Board hereby awards the bid to the lowest responsible bidder, Business Electronics Inc, to furnish a Verint Audiolog Series Redundant Pro 24 Channel Recording Device, in the amount of \$19,375.00.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BID

INFORMATION TECHNOLOGY – FINANCE DEPARTMENT  
RESOLUTION #539

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

Whereas, the Town of Yorktown duly advertised Requests for Proposals for Information Technology Services, and

Whereas, on October 20, 2011, the only proposal received was opened, now,

Therefore, Be It Resolved, Information Technology Services shall be awarded to Sullivan Data, the sole bidder, for a period of two years, commencing January 1, 2012 and ending December 31, 2013, at an annual cost of \$60,650. The Town shall have the option to renew this agreement for an additional two years at an annual cost of \$63,100.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AMEND RESOLUTION #458 OF 2011 RELATING TO YORKTOWN REALTY  
ASSOCIATION, LLC – TAX CERTIORARI SETTLEMENT  
RESOLUTION #540

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

Whereas, tax certiorari proceedings were instituted by Yorktown Realty Association, LLC, challenging the aggregate assessment for parcels Section 5.19, Block 1, Lots 14.-101 thru 14.-610, totaling 141 individual units, located at 3770 Barger Street, also known as Trump Park Residences Condominiums, on the Tax Map of the Town of Yorktown, and

Whereas, the 141 individual condominium assessments will be determined by its percent share of the aggregate value, and

Whereas, the tax certiorari proceedings affecting the assessed value of the 141 individual condominium units for assessment roll years 2007, 2008, 2009, 2010 and 2011, be settled as set forth in the proposed stipulation, now

Therefore Be it Resolved, that the Town Board hereby amends Resolution Number 458 dated September 20<sup>th</sup>, 2011 regarding tax certiorari proceedings instituted by Yorktown Realty Association, LLC to be settled as set forth in the attached proposed stipulation.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE WETLAND BOND  
#WP – 087-05 – SULTANA DRIVE  
RESOLUTION #541

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

WHEREAS, Jose Hernandez & Amy Kurens, as applicants, posted Check No. 139 in the amount of \$500.00, which was deposited into the T33 account on April 7, 2006, to serve as the Wetland Bond for Wetland Permit #WP-087-05, for work performed at their Sultana Drive residence, 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 \$500.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced Wetland Bond in the amount of \$500.00 be and is hereby released to Jose Hernandez & Amy Kurens, 2175 Sultana Drive, Yorktown Heights, NY 10598.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE ESCROW  
DRIVEWAY PERMIT #010-009  
RESOLUTION #542

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

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

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

Type of Permit	Permit #	Amount	Location	Refund to
Street Opening	010-009	\$1,000	Marcy Street	P.L.M. 191 Lake Ellis Road Wingdale, NY 12594

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

WAIVE FILMING FEE IN THE AMOUNT OF \$250 FOR DC MOOD CREATIONS, LTD  
IN CONNECTION WITH VIDEO TO BE PRODUCED FOR THE NATIONAL ROAD SAFETY  
FOUNDATION

RESOLUTION #543

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

RESOLVED, the 250.00 Filming Fee is hereby waived for DC Mood Creations, Ltd in connection with a video to be produced for the National Road Safety Foundation relating to safety in the streets for children.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

REFUND DUPLICATE WATER PAYMENT

ACCOUNT #43-10121529

RESOLUTION #544

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

RESOLVED, that the Town Board approves a refund in the amount of \$60.60 be made to Mr. Theodore Stachowiak, 1529 Hanover street, Yorktown Heights, NY 10598, Account #43-10121529, representing a duplicate water bill payment.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

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

Mr. Ed Ciffone asked what the amount of the Tax Certiorari Settlement was for the Yorktown Realty Associates, LLC. He also asked about the budget.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to many of the concerns raised tonight including the following:

She stated that the Tentative Budget is complete and the Town Board will review it on November 10, and November 11, 2011. The Public Hearing for the Preliminary Budget will be held on December 7, 2011.

Councilman Martorano urged residents to come out and vote on Tuesday, November 8, 2011.

Councilman Murphy announced that Saint Patrick's Church is closed tomorrow because they are still without electricity.

ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown