

Work Session held by the Town Board, Town of Yorktown on August 10, 2010. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Susan Siegel, Supervisor  
James J. Martorano, Councilman  
Nicholas J. Bianco, Councilman  
Terrence P. Murphy, Councilman  
Vishnu V. Patel, Councilman  
Alice E. Roker, Town Clerk

#### WORK SESSION

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster and Planning Director John Tegeder were also present.

#### YORKTOWN STAGE LEASE

##### RESOLUTION #376

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

WHEREAS Yorktown Stage, Inc. wishes to lease from the Town of Yorktown the auditorium and other specific rooms within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and

WHEREAS, the Yorktown Stage is an important local institution, which serves as an amenity for town residents; and

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

NOW THEREFORE, BE IT RESOLVED that the Town Supervisor is authorized to sign a lease to effect this transaction, and be it

FURTHER RESOLVED, that the action contemplated under this Resolution is an unlisted action under the State Environmental Quality Review Act ("SEQRA") and the Town determines that it is the lead agency for SEQRA purposes; and be it

FURTHER RESOLVED, based upon the short Environment Assessment Form reviewed by the Town Board, the Town Board makes the findings contained in the Determination of Significance, attached hereto and incorporated herein, and determines that there will be no significant impact to the environment and issues a negative declaration; and be it

FURTHER RESOLVED, that this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

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

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the North County News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Councilman Martorano asked that there be discussion before a vote is taken. He stated that earlier today he spoke to Barry Liebman who told him that he had some problems with the proposal.

Town Attorney Koster stated that she and Mr. Liebman's attorney have worked out all of issues.

Mr. Liebman stated that the problems that he spoke about with the Councilman have since been resolved. He thanked the Town Board for the new agreement.

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

#### VOTING UPDATE

With the help of Ed Zebzda from the Westchester County Board of Elections, Town Clerk Alice Roker demonstrated the new voting machine which will be used by voters for the first time in September.

Ms. Roker told the Town Board that because of changes in the size of the bags containing voting information and materials, which are picked up from the Westchester County Board of Elections by Yorktown personnel, and then delivered to the polling locations, there may be additional charges. There may be need for additional personnel as well as additional vehicles. Ms. Roker also stated that she has written to the Yorktown Central School District and the Lakeland School District informing them that their practice of having elections occur in their lobbies might have to change. In addition to the new machines, there will be privacy booths which measure four feet in diameter.

#### DOG LICENING – NEW YORK STATE MANDATES

The Town Clerk provided the members of the Town Board with a copy of a new law which states that as of December 31, 2010, New York State's Agriculture and Markets Department will be out of the dog licensing business. The law further mandates local governments to take over this procedure. Ms. Roker explained that the Town must pass a local law, a sample copy will be provided by New York State. The Town Clerks Associations in three counties have decided to purchase licenses from the same vendor, thereby reducing the cost. She further stated that the cost of a dog license will increase, but at this time there was not enough information to make a determination as to how much.

#### TAXI LICENSING – UPDATE ON REVISING THE LAW

The Town Clerk provided the Town Board with a sample of the taxi code from the Town of Bedford. She stated that Barbara Monahan, Commissioner of Westchester County's Taxi and Limousine Commission explained that the Town of Yorktown is requiring the same services from the TLC that Bedford does.

Police Chief McMahon stated that his only concern is whether the Yorktown Police will be able to hand out summonses.

The Town Clerk stated that she would speak with her counterpart in Bedford to see if that Police Department enforces the law.

#### TIME REPORTS FOR ELECTED OFFICIALS SUBMISSION OF TIME SHEETS TO RETIREMENT FUND RESOLUTION #377

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

### **Standard Work Day and Reporting Resolution**

BE IT RESOLVED, that the Town of Yorktown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participants in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Elected Officials</b>					
Supervisor	Susan Siegel	7	1/1/10 – 12/31/11	Y	22
Town Clerk	Alice E. Roker	7	1/1/08 – 12/31/11	Y	22
Town Board	James Martorano	6	1/1/08 – 12/31/11	N	22
Town Board	Terrence Murphy	6	1/1/10 – 12/31/13	N	22
Judge	Ilan Gilbert	6	1/1/08 – 12/31/11	N	9
Highway Supt.	Eric DiBartolo	7	1/1/10-12/31/13	Y	22
<b>Appointed Employees</b>					
Town Comptroller	Joan Goldberg	7	1/1/10 – 12/31/11	Y	22
Receiver of Taxes	Elfriede Schmid	7	1/1/10 – 12/31/11	Y	22
Assessor	Harold Girdlestone	7	1/15/08 – 09/30/13	Y	22
Town Attorney	Jeannette Koster	7	3/02/10 – 12/31/11	Y	22
Deputy Town Clerk	Diana L. Quast	7	1/01/08 – 12/31/11	Y	22

On this 10th day of August, 2010

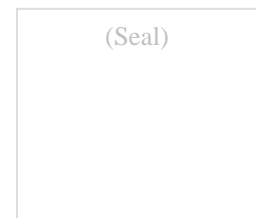
Signature: *Alice E. Roker*

Date enacted: August 10, 2010

I, Alice E. Roker, clerk of the governing board of the Town of Yorktown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 10th day of August, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting as that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Yorktown.



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

**OPEN SPACE ACQUISITION – LAND ALONG ROUTE 118**

Planning Director John Tegeder and Mr. John Schroeder spoke about property on Route 118 that the property owner, Mr. Sullivan wants to sell to the Town of Yorktown.

In 1986, the property was given a site plan for a sub division containing six homes.

Mr. Schroder stated that this site is near Turkey Mountain and is surrounded by property that the Town has declared parkland. In 1986, the Yorktown Land Trust looked at this property which became a part of our Turkey Mountain Triangle Study. There are value wetlands on the site that contribute to the area's ecosystem.

Mr. Tegeder stated that in 2006, an appraisal of the property was done for the Town. The price was \$125,000.

Councilman Murphy asked if it was smart to purchase land that was comprised of steep slopes and wetlands and could not be built on?

Mr. Tegeder stated that you can build on slopes.

Mr. Schroder stated that he feels the Town has an obligation to protect the wetlands.

Councilman Bianco stated that he would like this request referred out.

#### REFERRAL

#### OPEN SPACE ACQUISITION – ROUTE 118

#### RESOLUTION #378

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

RESOLVED, that the Town Clerk is authorized to refer the attached proposed open space acquisition to the Open Space Committee, the Planning Board and the Conservation Board.

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

#### ZONING MAP PROJECT – STAUS REPORT ON UPDATED THE ZONING MAP

Mr. Ray Arnold spoke about his project to update the current zoning map. He stated that the last zoning map that was given to the Town Clerk was done in 1991. While he served the Town of Yorktown as Planning Director, this was a part of his responsibilities. Mr. Arnold explained the process by which he is updating the map including information that the Town Clerk has in a five drawer file cabinet filled with re-zonings. He is almost completed with bring the map up to the way the Town looked in 2009.

A local law will have to be written and a public hearing held to complete the process.

Supervisor Siegel explained that after this process, the Town Board will work on a further update to the zoning map so that it will comport with the recently enacted Comprehensive Plan.

#### POLICE SIDE JOBS – POLICY ON POLICE SIDE JOBS

This was a continuation of conversations between Police Chief McMahon, Police Detective Brian Shanahan, representing the PBA and the Town Board.

Chief McMahon explained that there are two ways in which off duty police officers may receive their assignments. Some companies sign a contract with the Police Department and it is the Department who makes the assignment. Other assignments come from the PBA such as school districts and the Jefferson Valley Mall.

Supervisor Siegel explained that the Town's problem is that if a police officer gets injured while he is performing a side job at the Mall which did not go through the Department, the Town would still have to foot the bill.

Detective Shanahan explained that the school districts and the Mall will not enter into agreements with the Department, because the rate at which they pay would be increased. He further stated that he believes it is beneficial to the Town to have officers in uniform patrolling the Mall and working at school events. Last weekend, there were problems at the Mall and the officer who was working off duty was able to make the arrest. If he had not been there, an officer would have had to be pulled off of patrol (there are only four on patrol) and a sector left uncovered while he made the arrest, did the paperwork and transported the person arrested back to the Police Station. In this case, the officer who was patrolling the mall was able to complete the paperwork and get the officer back in his sector car.

Town Attorney Koster stated that she read an opinion from the Officer of the State Comptroller which regarding this issue. Their conclusion was that a police officer in uniform could not patrol private property.

Supervisor Siegel stated that officers will still have the ability to work for the Mall if they don't want to enter into an agreement, but you will not be permitted to wear the Yorktown uniform.

Councilman Bianco asked that the proposed policy change be sent to the Labor Lawyers for their recommendation.

#### SCHOOL RESOURCE OFFICER – COPPER BEECH SCHOOL – CORTLANDT CONTRIBUTION

The Supervisor updated the Board stating that she along with Councilman Patel and the Police Chief met with the Town Board of the Town of Cortlandt last evening. While they have agreed give an additional 4% increase for the School Resource Officer for the 2011-2012 year, they will only pay \$1,600 for the next year. We are left with a \$5,100 gap. The Superintendent of the Lakeland District and the President of the School Board also attended this meeting.

Councilman Martorano stated that he is not willing to give up having a Police Officer in Copper Beech Middle School.

Councilman Murphy agreed, we will do what is needed to keep a police officer in this school.

Chief McMahon stated that he would like to discuss a strategy on how to possibly resolve this problem with the Town of Cortlandt. The discussion would have to be in executive session.

#### EQUIPMENT DONATION

Chief McMahon asked if the Town Board discuss his request to accept the truck that was given to his department by the Fire Department. He stated that the report from the Fleet Committee is back and has found no problems with the truck.

Supervisor Siegel stated that she wasn't prepared to discuss this issue right now.

Chief McMahon asked if the Board would discuss the donation of four radios by the Fire Department. These radios are almost brand new, if we had to purchase them, the cost would be \$800 a piece.

Councilman Bianco asked if every officer was equipped with a radio?

Chief McMahon stated that there are not enough radios for each officer to have one. But, when officers get off duty they place their radio in a battery stand.

Supervisor Siegel stated that she would like to put this issue off until another time.

#### HIGHWAY DEPARTMENT REQUESTS – ADDITIONAL FUNDS FOR DRAINAGE, PURCHASE OF TRUCK BODIES AND PURCHASE OF A PIGMILL (SALTMIXER)

Highway Superintendent Eric DiBartolo renewed his request for \$30,000 to provide the Town with additional drainage work.

Supervisor Siegel asked Mr. DiBartolo to provide the Board with details of how he has used the money that has already been spent. She also inquired about the need for additional work.

Highway Superintendent DiBartolo handed the Town Board a list of drainage projects that had already been completed by his department. He also gave them a list of other areas of Town which were in desperate need of work. Mr. DiBartolo further stated that Highway Law allows him to move money around in his budget without Board approval.

Councilman Bianco suggested that he move money that is currently in his budget to cover the additional drainage work.

Mr. DiBartolo then asked about his request for truck bodies. He stated that several years ago, he purchased several trucks at an auction that had very low mileage at a great price. The problem is that their bodies are shot. He stated that his entire fleet is now comprised of stainless steel trucks. He needs to place bodies on these trucks before the winter. If he is not permitted to purchase the truck bodies, then the Town will have a problem clearing snow this year.

ADVERTISE BID  
FIVE FRONT DISCHARGE WITH CROSS CONVEYORS  
HIGHWAY DEPARTMENT  
RESOLUTION #379

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

RESOLVED, that the Town Clerk is authorized to advertise to go out to bid for five (5) Front Discharge with Cross Conveyors.

FURTHER RESOLVED, the monies to purchase these truck bodies will come from the Highway Fund Balance.

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

Mr. DiBartolo then requested to go out to bid for a pug mixer to mix their salt that is used to clear the snow. He doesn't want to purchase a pug mixer, this is just for the rental of the mixer. He needs to have the bid so that the next time they get an order of salt, the bid for the rental of the mixer is in place. The rental should be between \$7,500 and \$14,000. If he was to purchase salt already mixed, the cost would be higher.

Mr. DiBartolo also stated that the Town's portion of the Legacy Field Project will be completed by next Tuesday. Mr. DiBartolo then explained that monies that should have been returned to the Highway Department including a bill totaling \$2,572.82 have not.

Councilman Murphy stated that he talked with the Comptroller and thought the bill was paid. He will talk to her again.

Mr. DiBartolo then brought up a bill for \$23,359 which also has not been paid. Councilman Murphy stated that he thought they made an agreement that once the equipment is sold, that bill will be paid out of the proceeds.

INSURANCE RFP – BROKER SELECTION PRIOR TO SOLICITING INSURANCE  
QUOTES FOR 2011

Supervisor Siegel stated that she would like to solicit insurance agents who will then go look for quotes for the Town's insurance policies.

ADVERTISE REQUEST FOR PROPOSALS (RFP)  
INSURANCE BROKERS  
RESOLUTION #380

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

RESOLVED, the Town Supervisor is authorized to send out Requests for Proposals (RFP's) for Insurance Brokers.

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

Supervisor Siegel stated her next request would be to pay a risk assessment company to help us determine which companies to use. The cost of this service would be \$500. Once the selection of the company is made, the Town would then tell the broker which companies he could solicit bids from.

There was discussion between the Town Board members about whether they thought this was necessary.

Upon motion made by Councilman Bianco, seconded by Supervisor Siegel

RESOLVED, the Town Supervisor is authorized to sign an agreement with JR Risk Management to assist and advise the Town Board with regard to Insurance Brokers.

Councilman Martorano stated that the current insurance broker Bob Spadaccia has served this town well for 20 years, he will not vote for this request.

Councilman Murphy stated that he views this as an insult to Mr. Spadaccia.

Councilman Patel stated that he would not authorize this expenditure.

Motion withdrawn

STORMWATER LAWS – REVIEW AND REFER OUT DRAFT REVISED  
STROMWATER LAW AND NEW ILLICIT DISCHARGE LAW

Supervisor Siegel explained that the Town’s Environmental Consultant has stated that the Town must adopt new Storm Water Laws as well as an Illicit Discharge law.

REFERRAL OF DRAFT REVISED STORMWATER  
AND NEW ILLICIT DISCHARGE LAW  
RESOLUTION #381

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

WHEREAS, the Town Board of the Town of Yorktown has determined that addition to the town code to include a new chapter pertaining to illicit discharge entitled: “Illicit Discharge, Connections and Activities” is necessary; and

WHEREAS, the Town Board has determined that revision to the town code to replace existing Chapter 248: Stormwater Management and existing Chapter 165: Erosion and Sediment Control with a new chapter entitled: “Stormwater Management and Erosion and Sediment Control” is necessary; and

WHEREAS, the Town Board makes the following determinations:

1. That the proposed action will require SEQRA review;
2. That the proposed action is an Unlisted Action;
3. That the Town Board assumes Lead Agency status in connection with the SEQRA review of the proposed action; now, therefore be it

RESOLVED, that the Town Board of the Town of Yorktown hereby declares Lead Agency in connection with all processing, procedures, determinations and findings to be made or conducted with respect to the new ordinances 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 thereunder, which appear at 6 N.Y.C.R.R. Part 617 (the “SEQRA” Regulations); and be it

FURTHER RESOLVED, that the Town Clerk is authorized to refer out this proposed Local Law to the appropriate agencies.

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

MTA LAWSUIT – JOINING LAWSUIT CHALLENGING MTA TAX

Councilman Murphy stated that Nassau County has sued the MTA claiming that the new tax which imposes a 1% surcharge on payrolls is unconstitutional. Several other communities have joined the suit. He would like the Town to join as well.

Councilman Martorano stated that before he joins in on a lawsuit, he would like to read the lawsuit to find out why they say it is unconstitutional.

Town Attorney Koster stated that she too would like to read the lawsuit before the Town Board decides to join in.

Supervisor Siegel stated that the Town Board would continue this discussion at the next work session.

PUTNAM CELL TOWER – CONSTRUCTION EQUIPMENT ON WILLIAMS DRIVE IN SHRUB OAK

Residents of Williams Drive in Yorktown came to speak about a petition they sent to the Town Board asking that the Town help them. There is a resident who lives on the Putnam Valley side of their road who constantly has 20 wheel trucks racing up and down their street. The property owner also has an application before a Board in the Town of Putnam Valley to erect a cell tower.

Councilman Bianco spoke to the Police Chief about whether there was a weight limit sign in the area.

The Police Chief stated that there was a weight limit on the bridge in the area, but that the trucks could be driving down Mill Street.

Councilman Bianco stated that the only thing that we could consider would be a weight limit restriction, but if the property owner was getting deliveries, this wouldn't stop them.

Councilman Bianco also stated that the Supervisor would tell the Planning Director to write to the Town of Putnam Valley and ask that traffic for the cell tower be limited to Poe Street.

AWARD BID  
ELECTRICAL WORK ON TOWN BUILDINGS  
RESOLUTION #382

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

WHEREAS, invitation to bid for the Electrical Work on Town Buildings for Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 4, 2010, with the bid amounts for the above-referenced project summarized as follows:

LK Equities, LTD	\$89.50	\$138.75	\$179.00
P&M Electric	\$93.50	\$140.00	\$186.00
Delta Electric, Inc.	\$98.95	\$135.35	\$170.59
JARS Electrical Corp.	\$100.00	\$150.00	\$175.00 / \$135.35

RESOLVED, that upon the recommendation of the Superintendent of Environmental Conservation, Patrick Lofaro, the bid for the Electrical Work on Town Buildings for Maintenance be and is hereby awarded to P&M Electric, the lowest responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on August 15, 2010 through August 14, 2011 with an option to extend for one additional year upon its original terms and conditions.



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

AWARD BID  
STREET LIGHT MAINTENANCE – HIGHWAY DEPARTMENT  
RESOLUTION #383

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

WHEREAS, invitation to bid for the Street Light Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 4, 2010, with the bid amounts for the above-referenced project summarized as follows:

	<b>Hourly Rate: Regular</b>	<b>Overtime</b>	<b>Sunday/Holidays</b>
P&M Electric	\$93.50	\$140.00	\$186.00
	<b>Plus \$25.00 for truck (if needed)</b>		
Delta Electric Inc.	\$138.80	\$178.20	\$213.44 / \$178.20
LK Equities LTD	\$189.50	\$338.75	\$479.00
Verde Electric Maintenance Corp.	\$220.00	\$282.00	\$320.00

RESOLVED, that upon the recommendation of the Superintendent of Highways, Eric DiBartolo, the bid for the Street Light Maintenance be and is hereby awarded to P&M Electric, the lowest responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on August 15, 2010 through August 14, 2011 with an option to extend for two additional years in one year increments upon its original terms and conditions.

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

AWARD BID  
TRAFFIC LIGHT WORK/REPAIR – HIGHWAY DEPARTMENT  
RESOLUTION #384

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

WHEREAS, invitation to bid for the Traffic Light Repair / Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on August 4, 2010, with the bid amounts for the above-referenced project summarized as follows:

Verde Electric Maintenance Corp	(Year 2010 – 2011)
Hourly Rate:	
Regular:	\$220.00
Overtime:	\$282.00
Sunday / Holiday	\$320.00

RESOLVED, that upon the recommendation of the Superintendent of Highways, Eric DiBartolo, the bid for the Traffic Light Repair / Maintenance be and is hereby awarded to Verde Electric Maintenance Corp., the sole responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on August 15, 2010 through August 14, 2011 with an option to extend for two additional years in one year increments upon its original terms and conditions.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye

Resolution adopted.

AUTHORIZE INCREASE CONTRACT EXPENSE AMOUNT  
O'DEA, LYNCH & ABBATTISTA FOR JOHN C. HART MEMORIAL LIBRARY  
BOILER REPLACEMENT CAPITAL IMPROVEMENT PROJECT #10-01  
RESOLUTION #385

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

WHEREAS, O'Dea Lynch Abbattista Consulting Engineers is under contract with the town of Yorktown for design (completed) and construction administration (ongoing) for the Heating, Ventilating, and Air Conditioning of the John C. Hart Library dated May 11, 2010, and

WHEREAS, the report's design fees associated with the recommended work to be completed was estimated to be \$35,000, with an additional estimated maximum amount of \$3,000 for project related expenses including printing, plotting, postage, etc. (see attached Schedule A), and

WHEREAS, the maximum \$3,000 project related expenses was inadvertently excluded from the May 11, 2010 Town Board resolution, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the amount of the existing contract of \$35,000 with O'Dea Lynch Abbattista to be increased by an additional maximum amount of \$3,000 for a total of \$38,000. The expenses are to be invoiced as they accrue.

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

RELEASE WETLAND BOND #WP-015-10  
CANTERBURY CROSSING CONDOS – ROUTE 132  
RESOLUTION #386

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

WHEREAS, Stahl Holdings, LLC, DBA The Pond Connection, as applicant for Canterbury Crossing Condominiums, posted Check No. 1504 in the amount of \$300.00, which was deposited into the T33 account on May 14, 2010 to serve as the Wetland Bond for Wetland Permit #WP-015-10, for work performed at their Route 132 site, 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 \$300.00 may be released, AND

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Stahl Holdings, LLC, DBA The Pond Connection, 64 Barnabas Road, Suite 5, Newton, CT 06470, Attn: Lisa Mariakakis.

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

ACCEPT PERFORMANCE/EROSION CONTROL BONDS  
MARTINEZ MINOR SUBDIVISION-INSPECTION FEE – JACOBS ROAD  
RESOLUTION #387

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

WHEREAS, Anthony Martinez, as applicant and developer, provided the Town with Trustco Bank Letter of Credit #30194999, in the amount of \$68,775.00, to serve as the Performance Bond for the Martinez Subdivision located on Jacob Road,

WHEREAS, Anthony Martinez, as applicant and developer, provided the Town with Check #133, in the amount of \$30,000.00, to serve as the Erosion Control Bond, and

WHEREAS, Anthony Martinez, as applicant and developer, provided the Town with Check #6158, in the amount of \$10,000.00, to serve as the Wetland Bond for Wetland Permit #068-05, and

WHEREAS, Anthony Martinez, as applicant and developer, provided the Town with Check #6153, in the amount of \$7,902.00, to serve as the 8% Inspection Fee, NOW, THEREFORE BE IT RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced subdivision.

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

AUTHORIZE SUPERVISOR TO SIGN CONTRACT – MARSHALL ALARMS FOR  
ALARM MONITORING SERVICES THROUGH DECEMBER 31, 2010  
RESOLUTION #388

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

RESOLVED, that the Town Board authorizes the Supervisor to sign a contract with Marshall Alarm in the amount of \$12,168.00 for the period January 1, 2010 through December 31, 2010 for monitoring alarms in 28 separate municipal sites throughout the Town of Yorktown.

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

AUTHORIZE SUPERVISOR TO SEND LETTER TO WESTCHESTER COUNTY –  
HILLTOP HANOVER FARM  
RESOLUTION #389

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

RESOLVED, that the Town Board of the Town of Yorktown fully supports the return of cows to Hilltop Hanover Farm, the site's historic use.

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

AHA CONSULTING  
RESOLUTION #390

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

BE IT HEREBY RESOLVED, that the Town Supervisor is authorized to sign an Amendment to the May 20, 2010 Agreement with Aha Consulting, Inc., modifying the payment terms for the web hosting portion of the May 20 Agreement, which shall provide for payment for the period from July 1, 2010 through December 31, 2012 in installments as follows: (1) \$1,500.00 for six months of web hosting services from July 1, 2010 through December 31, 2010; (2) \$3,000.00 to be paid after January 1, 2011 for twelve months of web hosting services from January 1, 2011 through December 31, 2011; and (3) four quarterly payments of \$750.00 each to be paid in 2012 for twelve months of web hosting services from January 1, 2012 through December 31, 2012. The term of the web hosting provisions of the Agreement as amended by the Amendment shall be from July 1, 2010 through and until December 31, 2012.

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

CROTON OVERLOOK  
RESOLUTION #391

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Wormser Kiely, Galef & Jacobs LLP to serve as Special Counsel in connection with the Croton Overlook project. Wormser Kiely, Galef & Jacobs LLP shall provide advice and counsel, and attendance at Town Board and Planning Board meetings, with respect to such project. The contract amount is the first three hours of work at \$240.00 per hour, and thereafter at Wormser Kiely, Galef & Jacobs LLP's standard non-discounted attorney rates for the balance of the work, plus disbursements. The applicant in the Croton Overlook project has agreed to reimburse the Town all such fees through a town escrow.

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

TOWN BOARD AGENDA  
SEPTEMBER 7, 2010

The Town Board discussed the September 7, 2010 Town Board meeting agenda which will be held at Teatown Lake beginning at 6:00 P.M.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss sale of property negotiations and police strategy for School Resource Officers.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown