

Regular meeting held by the Town Board,  
Town of Yorktown on March 15, 2011 held at  
Yorktown Town Hall, Yorktown Heights, NY.

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

#### EXECUTIVE SESSION

Councilman Martorano motioned, seconded by Councilman Bianco, to move into Executive Session to discuss legal matters. Upon motion made by Councilman Martorano, seconded by Councilman Bianco, the Town Board moved into the Town Board meeting.

#### TOWN BOARD MEETING

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

#### PLEDGE OF ALLEGIANCE

Supervisor Siegel 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 for the victims of the tsunami in Japan.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel spoke about the recent series of tragedies including the death of Yorktown Army Spc. David Fahey in Afghanistan; the devastating earthquake which spawned a tsunami and then led to explosions at several nuclear reactors in Japan and finally, the deadly crash of a bus and car on Interstate 95 in the Bronx. The Supervisor also spoke about the flooding brought on by heavy rain mixing with melting snow in Yorktown. Many homeowners experienced flooding in their basements, many of our streets were flooded and the Mill Pond Dam gave way. At the March 22<sup>nd</sup>, work session, one of the discussions will be about Yorktown's aging infrastructure and what improvements should be made. Supervisor Siegel also made the following announcements: Westchester County's Household Cleanup Day will take place at FDR Park on April 8<sup>th</sup> and 9<sup>th</sup>. The Westchester County Chapter of the American Red Cross is running CPR Classes at its headquarters in White Plains. Supervisor Siegel stated that having people perform CPR on Representative Gifford who was shot in the head at an appearance in Arizona is credited as the reason she survived the shooting. There are volunteer openings on the Recreation Commission (as an Alternate member), the Conservation Board, the Advisory Committee on Open Space and the Senior Advisory Committee. The Town Board will continue their discussion on the proposed amendments to the Ethics Law as well as a new Ethics Disclosure Form at the March 22<sup>nd</sup> work session. The Battle of Yorktown, our yearly campaign against litter is scheduled to take place on Saturday, April 16<sup>th</sup>.

DURING REPORTS FROM TOWN COUNCIL, Councilman Bianco thanked the Yorktown Police Department, the Yorktown Fire Department, the Mohegan Lake Fire Department and the Millwood Fire Department for their participation in the funeral of Army Spc. David Fahey. He also thanked the volunteers including Mr. Steve Gardner who cleaned snow from the parking lot of St. Patrick's Church. The Councilman further stated that he spent the weekend assessing the flood damage in Town. The Department of Environmental Conservation will have special pickups for people whose property was damaged. Councilman Bianco further stated that he has asked the Town Board to adopt a resolution that will be sent to the Westchester County Executive to consider Yorktown a disaster area so that we may apply for federal funds.

Councilman Murphy stated that he visited the Millpond Dam which he said was completely wiped out. He further stated that federal assistance is needed in Yorktown. Councilman Murphy also thanked everyone who participated in the funeral service of Army Spc. David Fahey. He also thanked St. Patrick's Church for lending their facility. The family goes to church services at a much smaller church in Town.

Councilman Patel also spoke about Army Spc. Fahey. He also thanked the community for helping one another during the recent rain storms.

DURING HIS REPORT FROM WHITE PLAINS, Westchester County Legislator Michael Kaplowitz stated that the Town's request to the County Executive regarding disaster relief will be timely. The Board of Legislators has been in discussions about getting federal aid to communities in Westchester that were hit hard by the combination of the heavy rainstorms and melting snow. He further stated that there is a threshold for the amount of damage that must be sustained by a community if federal disaster relief is asked for. Westchester County does not meet the threshold, but we are considering partnering with the State of New Jersey to get federal aid. Mr. Kaplowitz also spoke about discussions concerning Indian Point between the Board of Legislators and Tony Sutton, who is in charge of Emergency Management for Westchester County. We are being told that the sequence of events that occurred in Japan could never happen in Westchester County. Legislator Kaplowitz stated that he is looking forward to the opening of the new Legacy Ball Fields in the Town of Yorktown. He reminded the Town Board that promises were made to the homeowners in the Huntersville Condominium Complex and he hopes they are honored. Mr. Kaplowitz also asked the Town Board to approve a letter of support for the Hilltop Hanover Environmental Center in Yorktown. He called this a valuable operation which is critical to the Croton Watershed. 10 thousand people visited the Hilltop Hanover Center last year. Mr. Kaplowitz ended his discussion by stating that Westchester County taxes for Yorktown went down by three percent this year.

#### COURTESY OF THE FLOOR

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

Mr. Dale Saltzman spoke about the Indian Point Nuclear Facility in Buchanan. He asked the Town Board to consider sending a letter to President Obama requesting that its license not be renewed. Mr. Saltzman stated that he thinks the facility should be shut down.

Mr. Paul Moskowitz, representing Yorktown Green spoke an upcoming program. On Friday, March 25 at 7:30PM Elyssa Rothe of NYSERDA will explain a new state program known as "Green Jobs – Green New York. The film "Bag It" will be shown and the issue of plastics and plastic bags will be the topic of discussion led by Westchester County Legislator Judith Myers and Susan Goodwin, an Environmental Epidemiologist

Mr. Jay Kopstein, thanked Highway Superintendent, Eric DiBartolo and his employees for the superb work they did over the winter. But, he wants a law that prohibits commercial plowers from placing snow from residential properties back into the street.

Mr. Jerry Petraglia, a resident of the Glassbury Court subdivision stated that four basins were installed in his development and the area was to be a green area. We were told that the water that runs into these basins is to drain within 24 hours, but it doesn't. He has talked to the Supervisor and various town departments with no results. Mr. Petraglia stated he is concerned that the area may attract bugs and become a health hazard.

Mr. Anthony Grasso asked what is holding up the issuance of checks for the senior programs who receive a bus and entertainment allowance. He further stated that he was disappointed that the Town has not appointed a new member to the Senior Advisory Committee. A woman came forward three weeks ago and asked to be appointed. What's the hold up?

A resident of the Mohegan Lake area thanked the Town Board for saying that the cleanup at the Holland Sporting Club will be a subject of the next Town Board work session.

Mr. Ed Ciffone spoke on a number of subjects including the HVAC system at the Yorktown Justice Court. He also stated that the Comptroller at the last work session said that she had received an additional \$900,000 in 2010. Why didn't we see this in the budget? He further stated that he was here to support the Creative Living project. He questioned why the Town Board would even consider approving the Croton Overlook Project when the Trump Park Project which is similar is in trouble. Mr. Ciffone also wanted to know how much damage was caused to the Legacy Ball Fields. He also wanted someone to clarify the tax issue brought up by Legislator Kaplowitz.

Mr. Randy Reed and his wife Colleen spoke about the damage caused by the recent rainstorms to their property, Osceola Beach. They stated that a new drainage system put as part of the Town's Jefferson Valley Sidewalk Project has been a failure. During construction we complained after seeing water where there formerly had not been a problem. The heavy rain storms just exacerbated the problem and now we are left with approximately \$10,000 in damage. Mrs. Reed further stated that over the past two years, they have had to close the beach several times due to high bacteria levels. We have been told that the source of the bacteria is upstream from our property, but no one knows exactly where it is.

Mr. William Primavera asked that the Town restore the Museum Board and Landmarks Preservation Committee.

Mr. Kevin Cox tearfully pleaded for help. He stated that he has come to the Town Board numerous times concerning the drainage in his area. Mr. Cox stated that the drainage problem is causing major erosion problems to his property.

Mr. Americo Serino, a resident of 397 E. Main Street spoke about a retaining pond that was built on Route 6 that is also causing major drainage problems in his area.

Mr. Steve Gardner asked how much money was in the Recreation Department's Trust and Agency account.

A resident who lives across the street from the Holland Sporting Club spoke about the blight that this facility has caused on his neighborhood. He called this area a slum and then quoted various sections of the Town Code regarding property maintenance. He asked the Board members if they would like to live across the street from the Holland Sporting Club.

#### COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the comments and questions as follows:

The Town of Yorktown has a law prohibiting anyone from placing snow into a street. We could review that law while reviewing the law concerning the shoveling of sidewalks.

She wasn't sure if the basins in the Glassbury Court subdivision were part of a storm water pond. But, it is our obligation to see what is wrong. The Town Board will be working with the Highway Department during the spring to clean up some of these basins.

Supervisor Siegel stated that she has signed some of the senior bus and entertainment contracts. She will find out why checks have not been issued.

Supervisor Siegel stated that she has asked people to volunteer to be part of the Landmarks Preservation Committee, but only one person came forward.

The Town of Yorktown should be ashamed of the conditions at the Holland Sporting Club. During the 1990's, this property came into the possession of the Town of Yorktown. We have not maintained the property. It has been allowed to deteriorate. The estimate we received for part of the cleanup is \$250,000. We are prohibited from bonding money for this project.

She was not sure how much money is in the Recreation Department's Trust and Agency account. Supervisor Siegel further stated that equipment was purchased with money from that account to buy equipment used in the construction of the Legacy Ballfields. We will be selling that equipment and putting the money that we receive for it back into that account.

The cooling tower at the Court House is on tonight's agenda.

The Supervisor stated that she spoke to the Director of Planning who visited Osceola Beach after the rainstorm. He doesn't believe that the new drainage caused the flooding problems in the area.

Supervisor Siegel told Mr. Cox, that the Board does not know what it can do to alleviate your problem.

Councilman Bianco responded to some of the comments and questions as follows:

He stated that there were heavy rains, and there are houses built in areas that would not be built today. Unfortunately, we all live in an area that is down stream from something, a lot of drainage problems are caused because homes were built in wetlands. Mr. Cox, we do not know what we can do to help you.

Councilman Bianco stated that last week he met with the Executive Director of Phoenix House who wants to get his young people involved in community programs. A cleanup of the area around the Holland Sporting Club is on the list.

Westchester County taxes in Yorktown went down 3%. Town taxes rose slightly this year.

Councilman Martorano responded to some of the questions and comments as follows:

He believes the senior clubs should be sent checks immediately. He also agreed that the Town Board should appoint the person who came forward to volunteer for the Senior Advisory Committee.

Councilman Martorano agreed that the Holland Sporting Club meets the definition of an attractive nuisance.

Mr. Cox, we will look into your problem again.

Shoveling snow onto roadways is illegal.

The Councilman asked Mr. & Mrs. Reed when they began to notice flooding on their property.

Councilman Patel stated that he was very concerned to hear about all of the drainage problems.

Councilman Murphy stated that the equipment purchased with money from the Trust and Agency Account did buy equipment to construct the Legacy Ballfields. But, before we sell the equipment, we hope to construct fields on the Granite Knolls property.

RECONVENE PUBLIC HEARING  
CREATIVE LIVING DEVELOPMENT – REQUEST WETLANDS & EXCAVATION  
PERMITS

Supervisor Siegel reconvened a public hearing to consider the application of Creative Living Development Inc. for a Wetlands / Excavation Permit for the construction of temporary multi-purpose athletic fields on Navajo Road, Jefferson Valley, NY 10535. Proposed activities include: Construction of athletic fields, wood chip pedestrian trails, drainage conveyance system and stormwater management basins and associated regrading activities. Reconstruction of two existing wood foot bridges. The Town Clerk presented affidavits of posting and publication.

Mr. Albert Capellini, attorney for the applicant stated that they have been in discussions with the New York State Department of Environmental Protection since August on this application. They are finally satisfied with the plan. Before they can issue a permit, the Town of Yorktown must issue a negative declaration for the project. Our wetlands consultant and engineer will update the application for you.

Using drawings of the site, Mr. Steve Marino, a representative of Tim Miller Associates showed the difference between the plan they presented to the New York State Department of Environmental Conservation in August and the new plan that was given to the Town several weeks ago. Some of the highlights of the new plan show that less disturbance to the wetlands boundary; the original plan called for a disturbance of 4.5 acres. The new plan reduces the amount of disturbance to 3.8 acres. The total disturbance to the site was also reduced from 9.8 acres to 9.2 acres. 63 new trees will also be planted.

Mr. Joseph Riina, the principal owner of Site Design, the engineering firm stated that this site is subject to Flood Damage Protection Law. The applicant will be presenting a letter to the Building Inspector from FEMA for a permit. He also showed the 9600 square feet of flood storage

Mr. Richard Campanero, President of the Yorktown Athletic Club (YAC) spoke in favor of this application. Just recently kids trying out for Lacrosse had to travel to West Point for tryouts because of the lack of fields in Yorktown. This project would also benefit teenagers in this community by creating new jobs.

Mr. Ed Ciffone stated that he was in favor of this project. But, he wanted to know where the building was. He also wanted to know if these were soccer or lacrosse fields.

Councilman Murphy stated that they were multi-purpose fields.

Mr. Ed Killeen stated that he supports this project because it is privately owned. He also stated that it is obvious that applicant took great concern with the environment. Mr. Killeen further stated that the Legacy Field will give us a legacy of debt.

Mr. Dave Pagnelli showed his support for the project.

Supervisor Siegel asked if the fields would be free for Yorktowners.

The applicant, C.J. Divens stated that the cost of Yorktown teams will be borne by their opponents in tournaments.

Several members of the Town staff, Acting Town Engineer Sharon Robinson, Wetlands Consultant Bruce Barber and Yorktown Planner John Tegeder presented a memorandum to the Board. The memorandum was generated after meeting with the applicant and representatives.

Mrs. Robinson went over the list of requirements that are still outstanding including a Status Update – the Stormwater Prevention Permit dated July 2010 must be updated to account for all modifications made to the plans since that date. Indicate soil testing location on plans. The applicant will also address such issues as getting water to the site, details on what the comfort station will provide.

Mr. Barber stated that the wetlands have been validated. They need to show the lines of the town's wetlands boundary.

Mr. Capellini stated that the applicant is looking for the Town Board to close its SEQRA hearings tonight and adopt a negative declaration.

CLOSE SEQRA HEARINGS – CREATIVE LIVING, INC.  
RESOLUTION #117

Upon motion by Councilman Martorano, seconded by Councilman Murphy,

RESOLVED, to close the SEQRA Hearings on the application for a wetlands and excavation permit for Creative Living, Inc.

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

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

SEQRA - NEGATIVE DECLARATION  
CREATIVE LIVING DEVELOPMENT – WETLANDS & EXCAVATION PERMITS  
RESOLUTION #118

Upon motion made by Councilman Martorano, seconded by Councilman Murphy

WHEREAS, the owner has applied for a Town of Yorktown Wetland Permit and Excavation Permit (WP-E-010-10) and is required to apply for a Town of Yorktown Tree Permit and Town of Yorktown Flood Permit; and

WHEREAS, the applicant has applied for a New York State Department of Environmental Conservation (NYSDEC) wetland permit and has received a Notice of Incomplete Application from NYSDEC dated 03/01/2011; and

WHEREAS, the Notice of Incomplete Application from NYSDEC indicates that the applicant has satisfied NYSDEC requirements for a wetland permit other than obtaining a negative declaration from the lead agency; and

WHEREAS, the Town of Yorktown Town Board has declared lead agency; and

WHEREAS, extensive materials in the form of a long-form EAF (Parts I, II and III) as well as associated plans and reports have been provided by the applicant relative to this application; and

WHEREAS, these materials have been circulated to and reviewed by town staff, departments and boards; and

WHEREAS, the town staff, departments and boards have substantially completed review of the project with only minor open items remaining; and

WHEREAS, upon satisfactory response to all open items the Town Board will review the jurisdictional town permit applications and render decision; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment.

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

CONVENE PUBLIC HEARING  
REZONINGS – PROPOSED ZONING CHANGES ASSOCIATED WITH THE  
COMPREHENSIVE PLAN

Supervisor Siegel called to order a public hearing to comment orally and/or in writing upon the proposed local law described below.

A) A proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions:

1. The following lots on the Tax Map of the Town of Yorktown are rezoned from C-2 to C-2R:
  - 16.07-1-1
  - 16.07-1-2
  - 16.07-1-4
  - 16.07-1-5
  - 16.06-1-43
  - 16.06-1-44
  - 16.06-1-45
  - 16.06-1-46
  - 16.10-4-23
  - 16.10-4-24
  - 16.11-1-37
  - 16.11-1-45
  - 16.10-2-30
  - 16.10-2-31
  - 16.10-1-32
  - 16.10-1-33
  - 16.10-1-37
  - 16.10-1-38
2. The following lots on the Tax Map of the Town of Yorktown are rezoned from C-2 to C-2R:
  - 16.10-1-31
3. The following lots on the Tax Map of the Town of Yorktown are rezoned from R1-80 to R1-160:
  - 47.17-1-3

The Town Clerk presented affidavits of posting and publication.

Mr. Ken Belfer, Chairman of the Yorktown Community Housing Board spoke in favor of the proposed local law stating that it would contribute to the diversity of the area in a positive way. This would create work force housing without adding to our carbon footprint.

Mrs. Michelle Beatty spoke in opposition to the proposal she has been a resident of Shrub Oak for 22 years and contrary to some of the board's perception, there are small apartments in the area with for rent signs outside. Mrs. Beatty spoke about the density that already exists in Shrub Oak as well as the diversity of the area. Shrub Oak already meets the goals outlined in the Comprehensive Plan Section 5.4. Mrs. Beatty went on to explain that the area to be rezoned, Gambrell Village was built on wetlands. The property has been flooded a minimum of fifteen times. Mrs. Beatty stated that her neighbor lost two four foot swimming pools due to the flooding situation in the area. The property abuts a brook with no buffer.

Mrs. Beatty further stated that this rezoning would appear to go against the spirit of the Tree Preservation Ordinance. If you increase the population in this small area, you will have to increase parking and that will encroach on the wetlands. Mrs. Beatty presented a Petition to the Town Board asking that this matter be settled with a super majority vote.

Mr. William Wetzel, the Attorney for the owners of Gambrell Village stated that if the rezoning is granted, many of Mrs. Beatty's concerns will be addressed by the Planning Board. This proposal would increase the value of the property which in turn would generate additional tax revenue for Yorktown. Mr. Wetzel further stated that his client is anxious to proceed with the project.

Councilman Bianco stated that this property is within a flood zone.

Mr. Edward Killeen, a resident of Shrub Oak spoke in opposition to this proposal. He advocated against a similar proposal when it was part of the Shrub Oak Implementation Plan. This proposal would raise taxes on the residents of the Lakeland School District. Too many people have already been forced out of their homes due to the high taxes. The residents of Shrub Oak don't want to see our area urbanized.

Mr. Dino Moundrakas, a resident of Barger Street stated that more development of this property will lead to encroachment into the wetlands. He spoke about the fact that curbs were never added to this property. The large tractor trailer trucks that go on the site have crushed the underground drainage pipes.

Ms. Maria Hardman, a representative of Stone Street Management which oversees the Gambrell Village asked that she be able to clear up some issues. We are not proposing one thousand square feet units. Our proposal is limited to studios and one bedroom apartments. Shrub Oak is a very wet area. The proposal will not create additional impervious surfaces. In some cases, a second floor already exists. To help seniors and address the Americans with Disability Act (ADA) we will be putting in elevator shafts. Renters are not a bad thing to have. She further agreed that the taxes are high, but these apartments could help seniors and young people.

Mr. Edward Killeen stated that the Developer's letter to the Town Supervisor states that the residential units will have approximately one thousand square feet.

Supervisor Siegel stated that she has heard some of these arguments many times. The Town Board voted four to one to consider this change. Some of the issues raised tonight are not to the rezoning proposal. They should be raised during the site plan approval process before the Planning Board. Hamlets within the Town of Yorktown are more densely populated.

Councilman Bianco stated that this hamlet has more flooding and a higher tax burden.

Councilman Martorano stated that he agrees with Mr. Belfer that the Town of Yorktown needs more affordable housing, but, he made a promise twenty years ago to cut density in the area.

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.

Bianco, Murphy, Martorano, Patel voting Aye  
Supervisor Siegel voting Nay

Supervisor Siegel stated that she has heard these arguments many times. The Town Board voted four to one to consider this change. Some of the issues raised tonight are not relevant at this time. They should be made during the site plan approval stage before the Planning Board. Hamlets within the Town of Yorktown are more densely populated.

Councilman Bianco stated that this hamlet has more flooding and a higher tax burden.

CONVENE PUBLIC HEARING  
PROPOSED LOCAL LAW RELATING TO NEW SEPTIC INSPECTION LAW –  
REQUIRED AS PART OF THE TOWN OF YORKTOWN MS4 PERMIT

Supervisor Siegel called to order a public hearing to consider renaming Chapter 240, “SEWERS AND SEPTIC SYSTEMS” and amending said Chapter to add provisions with respect to separate sewage disposal systems/on-site wastewater system. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel explained that the proposal is a requirement of the Town of Yorktown’s Stormwater Management Permit. Residents will be required to have the septic systems cleaned out every five years.

Mr. Ken Belfer, a member of the Yorktown Stormwater Advisory Committee spoke in favor of the proposal.

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

NEGATIVE DECLARATION  
SEPTIC INSPECTION LAW – REQUIRED AS PART OF THE TOWN OF YORKTOWN  
MS4 PERMIT  
RESOLUTION #119

Upon motion made by Councilman Martorano, seconded Councilman Patel,

WHEREAS, the Town Board of the Town of Yorktown determines it to be necessary to provide for the health, safety, and general welfare of the citizens of the Town of Yorktown through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law; and

WHEREAS, amendments to existing local law are necessary in order to meet the requirements of the Town of Yorktown SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-0-08-002 as amended; and

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

WHEREAS, on February 22, 2011 the Town Board declared itself to be Lead Agency and referred the short-form Environmental Assessment Form (EAF) and associated documents to NYCDEP, NYSDEC, Westchester County Department of Planning, Yorktown Planning Department, Yorktown Planning Board, Yorktown Town Attorney, Yorktown Town Engineer and Yorktown Conservation Board;

NOW THEREFORE, BE IT

RESOLVED, having considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and having compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c), the Town Board hereby determines that the proposed action will not have a significant adverse impact on the environment and issues a negative declaration.

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

LOCAL LAW #3 OF 2011  
NEW SEPTIC INSPECTION LAW – REQUIRED AS PART OF THE TOWN OF  
YORKTOWN MS4 PERMIT  
RESOLUTION #120

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

WHEREAS, a public hearing was held on the 15<sup>th</sup> day of March, 2011 pursuant to notice duly published as required by law to consider renaming Chapter 240, “SEWERS AND SEPTIC SYSTEMS” and amending said Chapter to add provisions with respect to separate sewage disposal systems/on-site wastewater system.

RESOLVED, that Local Law #3/2011, 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:

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

Local Law #3/2011 was thereupon declared adopted.

SET PUBLIC HEARING  
PROPOSED LOCAL LAW ESTABLISHING NO PARKING ON VETERANS ROAD  
WHERE IT INTERSECTS WITH GREENWOOD STREET  
RESOLUTION #121

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York, at the John C. Hart Memorial Library, 1130 Main Street, Shrub Oak, New York, 10588 on the 5<sup>th</sup> day of April, 2011 at 7:30 o’clock PM, or as soon thereafter as the same can be heard, to consider amending Chapter 275-4, A No Parking as follows:

Current Law: Veterans Road, both sides from its intersection with Greenwood Street west to the first curb cut (driveway) for the existing medical building.

Amendment: Veterans Road, south side from its intersection with Greenwood Street west to Maple Hill Street, North side from Greenwood Street west to first curb cut (driveway) for the existing medical building.

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

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 BID  
COLD WATER METERS WITH ELECTRONIC ENCODER REGISTERS AND RAPID  
READ SYSTEM – WATER DEPARTMENT  
RESOLUTION #122

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

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on March 28, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for approximately 2,500 Cold Water Meters with Electronic Encoder Registers and Rapid Read System.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Cold Water Meters with Electronic Encoder Registers and Rapid Read System.

The Town Board reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID  
ASPHALT CONCRETE & LIQUID BITUMINOUS MATERIALS – HIGHWAY  
DEPARTMENT  
RESOLUTION #123

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on March 29<sup>th</sup>, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Asphalt Concrete & Liquid Bituminous Materials. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Asphalt Concrete & Liquid Bituminous Materials.

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID  
BUSES SUMMER CAMP PROGRAMS – PARKS & RECREATION DEPARTMENT  
RESOLUTION #124

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, May 2, 2011 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 contract starting June 27, 2011 and ending on July 29, 2011.

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.

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

ADVERTISE BID  
COOLING TOWER FOR THE YORKTOWN JUSTICE COURT HVAC SYSTEM  
ENGINEERING DEPARTMENT  
RESOLUTION #125

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598 until 10:00 A.M., on Monday, April 4, 2011, for The Town Court Cooling Tower.

Specifications for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

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

ADVERTISE BID  
FIRE SPRINKLER SYSTEMS MAINTENANCE – ENVIRONMENTAL  
CONSERVATION DEPARTMENT  
RESOLUTION #126

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

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Monday, April 11, 2011, for Inspection/Testing Sprinkler Systems.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

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 on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

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

ADVERTISE BID  
INSTALLATION OF REMOTE LIGHTING CONTROLS AT DOWNING PARK TENNIS  
COURTS AND SHRUB OAK ROLLER HOCKEY RINK – PARKS & RECREATION  
DEPARTMENT  
RESOLUTION #127

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Yorktown Planning Department, 1974 Commerce Street, Yorktown Heights, Westchester County, N.Y. 10598 until 4:00 P.M., Wednesday, March 30, 2011. The Town seeks qualification statements and proposals from qualified consultants capable of accomplishing the following goal: The purpose of this project is to control lighting and reduce the operating cost from the current configuration at the Shrub Oak Roller Hockey Rink and the Downing Park Tennis Courts.

A Request for Proposal may be obtained at the Office of the Town Clerk at said Town Hall, 363 Underhill Avenue, or the Yorktown Planning Department, 1974 Commerce Street, Yorktown Heights, NY 10598.

The proposer 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 RFP's in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any information in the RFP, to reject any or all RFP's and reserves the right to accept that RFP which it deems most favorable to the interest of the Town of Yorktown.

All Requests for Proposals are to be returned to the Yorktown Planning Department, 1974 Commerce Street, Yorktown Heights, NY 10598, marked "Push Button Strobe Unit".

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

AWARD BID  
ATHLETIC EQUIPMENT & GAMES – PARKS & RECREATION DEPARTMENT  
RESOLUTION #128

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

WHEREAS, invitation to bid for Athletic Equipment & Games for use by the Parks & Recreation Dept., was duly advertised, and

WHEREAS, said bids were received and opened on the 14th day of March, 2011, now therefore be it

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the low bidder for all items, on the attached summary of bid.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH STEPHENS, BARONI, REILLY & LEWIS LLP TO SERVE AS OUTSIDE COUNSEL HANDLING CELL TOWER LEASE NEGOTIATIONS  
RESOLUTION #129

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

Authorize Supervisor to sign an agreement with Stephens, Baroni, Reilly & Lewis LLP, 175 Main Street, White Plains, NY 10601, to serve as Outside Counsel handling cell tower lease negotiations.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH METROCOM WIRELESS, INC. FOR MAINTENANCE AGREEMENT COVERING YORKTOWN POLICE DEPARTMENT'S MOTOROLA TWO-WAY RADIOS 2/1/2011-01/31/2012  
RESOLUTION #130

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Metrocom Wireless Inc. for a maintenance agreement covering Yorktown Police Department's Motorola two-way radios effective February 1, 2011 through January 31, 2012. The contract amount is \$260.00 per month. This resolution supersedes the resolution passed on February 15, 2011.

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDED RETAINER WITH WORMSER, KIELY, GALEF & JACOBS FOR CERTIORARI SERVICES  
RESOLUTION #131

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

RESOLVED, that the Town board agrees to amend the retainer agreement with Wormser Kiely Galef & Jacobs dated March 15, 2010, pertaining to the Tax Certiorari Matters, not covered by the Retainer, in accordance with a memorandum from Wormser Kiely Galef and Jacobs dated March 11, 2011.

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

RELEASE RETAINAGE FROM JEFFERSON VALLEY SIDEWALK PROJECT  
RESOLUTION #132

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

WHEREAS, Fourmen Construction, completed Jefferson Valley Streetscape at a cost of \$534,351.34 which the Town considered complete on October 12, 2010, and

WHEREAS, that the retainage percentage was reduced from 5% to 2.5%, and

WHEREAS, the Town withheld \$13,358.78 as retainage, BE IT FURTHER

RESOLVED, that the amount of \$13,358.78 is hereby released to Fourmen Construction, 1008 Main Street, Peekskill, NY 10566.

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

APPROVE YORKTOWN EVENT SIGN POLICY  
RESOLUTION #133

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

Having determined that the promotion of community events that provide programs and services for the benefit and enrichment of the residents of the Town of Yorktown serves a significant government interest,] it shall be the policy of the Town of Yorktown to promote such events on the Town owned Yorktown Events sign.

This policy in no way restricts or regulates the placement of signs that are governed by Article XX of Chapter 300 of the Town Code.

It shall be the policy of the Town Board to] delegate to the Parks & Recreation Department the responsibility for approving requests from individuals and groups to place signs on the Town owned Yorktown Events boards located in various locations in Yorktown and hereby establishes the following criteria which the Department shall use when evaluating the suitability of specific requests:

1. The sign must promote an event that is taking place at a specified time/s or place.
2. The event being promoted must take place in Yorktown and in a place other than on private residential property.
3. The program or event must provide a benefit or enrichment to the residents of the Town of Yorktown.
4. The program or event must be open to the general public.
5. The program or event shall not be of a religious nature or promote any specific religion.
6. The event shall not compete with similar Town-sponsored programs.
7. A separate application must be submitted for each event.

In addition to meeting the above general criteria, the event being promoted should fall into one of the following categories which are meant to be illustrative only and are meant to be used as a guide by the Parks & Recreation Department when evaluating specific requests:

1. Events sponsored by Yorktown civic organizations such as the Lions, Rotary, Chamber of Commerce, Alliance for Safe Kids, the Grange Fair, etc.
2. Charitable events sponsored by a Yorktown organization such as Relay for Life, Support Connection, the NCN 5K Race and Jenna's Dream.
3. Enrollment and activities for Yorktown-based non-profit and civic organizations such as Yorktown Athletic Club, Shrub Oak Athletic Club, Girl Scouts and Boy Scouts.

4. Performing arts events and craft shows such as productions of the Yorktown Stage, Taconic Opera, school plays, and St. Patrick's Craft Show.
5. Town events, such as the Battle of Yorktown, Community Day and Fire District Carnival.
6. Yorktown or Lakeland School District educational groups such as the Lakeland Educational Fund, Foundation for Excellence or the Special Education PTA

Signs that advertise programs or services that primarily benefit or promote a private business enterprise, whether the business is for profit or not-for-profit, are not eligible for placement on the Town-owned Yorktown Events boards. Also, open house or enrollment events for nursery schools or religious congregations will not be permitted.

Due to the high demand for sign access, there is a four week limit to how long a sign can remain posted, as well as a limit of three events per group per year, except for performing arts programming. Exceptions may be made at the Town's discretion if scheduling permits. Also, the Town reserves the right to adjust scheduling for important, official Town announcements.

Signs that do not conform with what has been approved by the Town based on the application submitted will be removed by the Town.

Following are important production requirements for all signs:

1. Signs must be made by a professional sign maker and be of uniform size and appearance (specs will be provided when application is approved). Handmade signs are not permitted.
2. Signs are to be inserted in existing grooves without the use of tape, staples or nails.
3. The organization or group is responsible for the installation and removal of signs within allotted timeframe agreed to.

Applications for use of the Yorktown Event Signs are available from the Yorktown Parks & Recreation Department, 245-4650.

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

RETIREMENT  
GLENN CAMERON – HIGHWAY DEPARTMENT

The Town Board accepted with regret the retirement of Glenn Cameron from the Highway Department.

APPOINTMENT  
SENIOR ADVISORY COMMITTEE  
RESOLUTION #134

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

RESOLVED, that Rosemarie Panio is appointed to the Senior Citizens Advisory Committee.

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

COURTESY OF THE FLOOR

Mr. Edward Killeen asked why an outside firm was negotiating cell tower leases. Why isn't the Town Attorney doing this work?

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded that this is a highly technical area for which we will be paying \$190.00 per hour.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown