

Work Session held by the Town Board, Town of Yorktown on March 23, 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
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of two particular persons and litigation.

WORK SESSION

Supervisor Susan Siegel called the meeting to order. Acting Town Engineer Sharon Robinson, Recreation Supervisor Todd Orłowski, Planner Robyn Steinberg, Police Chief Daniel McMahon were also present.

LIBRARY HEATING, VENTILATING AND AIR CONDITIONING REPLACEMENT

Acting Town Engineer Sharon Robinson stated two proposals were received for the repair/replacement of the John C. Hart Memorial Library Heating, Ventilating and Air Conditioning System. She recommended going with O'Dea, Lynch, Abbatista Consulting Engineers, P.C.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT – O'DEA, LYNCH, ABBATISTA CONSULTING ENGINEERS – HART LIBRARY HVAC SYSTEM EVALUATION RESOLUTION #160

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

WHEREAS, a Request for Proposal for the John C. Hart Library HVAC System Engineering Assessment/Evaluation was issued on February 24, 2010, and

WHEREAS, two proposals were received from O'Dea, Lynch, Abbatista Consulting Engineers, P.C. and the Marchetti Consulting Engineers, and

WHEREAS, the proposals were reviewed with regard to understanding of the project, approach and schedule, related experience and fee, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with O'Dea, Lynch, Abbatista Consulting Engineers, P.C., in the amount of Eight Thousand Dollars (\$8,000); \$7,500 for item 6.01.1 Base Engineering Services plus \$500 for item 6.01.2 project related expenses.

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

FULL-TIME FIRE MARSHALL

The Town Board met with Building Inspector William Gregory, Yorktown Fire Commissioner Arthur Orneck and Yorktown Fire Chief Martin McGannon to discuss the possibility of hiring a Full-Time Fire Inspector. Arthur Ornek explained that with the loss

of both part-time fire marshals the Town is in need of doing mandated fire inspections for all places of public assembly over 100 persons and all residential structures in excess of 3 units which includes condominiums, fee simple town houses and apartment buildings.

Yorktown Fire Chief Martin McGannon stated that currently there are 913 commercial establishments that need annual inspections. This does not include condos and rental units that also require inspections. He further stated that currently there is no one who reviews site plans and subdivision plans for compliance with fire codes.

Fire Commission Arthur Orneck stated there are many towns that have employed full-time fire inspectors and a majority work out of the building department.

Building Inspector William Gregory suggested a Grade XIII person at a starting salary of \$60,175 to be hired as a fire inspector. He also stated that fees could be charged for the inspections to offset the cost of a full-time fire inspector. Since operating permits must be reviewed annually this would be an ongoing source of revenue.

Building Inspector William Gregory stated that the Town Board will have to decide whether to hire a full-time fire inspector, enact legislation establishing operating permit procedures, set the salary and purchase special software.

Fire Commissioner Arthur Orneck and Fire Chief Martin McGannon expressed concern that currently there are no fire marshals and this is a safety issue not only for people that live or go into a building but for firefighters who may have to respond and fight a fire in a building. Having a full-time fire inspector/marshal helps prevent fires and saves lives.

Councilman Bianco would like to contact Cortlandt and see how they work with a full-time fire inspector.

Building Inspector William Gregory stated that there are two individuals who have offered and are qualified to do inspections on a part-time basis until the Town can hire a full-time inspector.

Councilman Murphy stated that a full-time fire inspector is needed and we will have to find a way to fund the position.

Supervisor Siegel will have the Town Attorney draft legislation for review at the April 13, 2010 Town Board meeting.

SKATE BOARD PARK CHANGE IN FEES AND STAFFING

Recreation Commission Chair Joseph Falcone, Recreation Commissioner James Hackett and Recreation Supervisor Todd Orlowski were present to discuss with the Town Board the recommendation from the Superintendent of Parks and Recreation Jennifer Fava to eliminate supervision at Patriot Skate Park.

Mr. Robert Spadaccia explained that the current insurance carrier now advocates not providing supervision because it will actually increase the Town's liability at the skate park.

Mr. Orlowski stated that this will provide a cost savings because we will not have to employ a person to staff the facility and vandalism should be reduced as the skate park will be open from dawn to dusk all year long. This will provide the users of the skate park with four (4) additional months of use. Skate Board camps and programs will still be held which will bring in revenue and offset the cost of the instructional programs. This will be advantageous to the Town and increase the usage of the skate park.

The Town Board agreed to eliminate supervision at Patriot Skate Park.

NEW VENDOR TOWN WEB SITE

Planner Robyn Steinberg was present to discuss with the Town Board the selection of a new vendor and upgrading the Town of Yorktown web site.

Mrs. Steinberg explained that the Town is very limited in what it can do on its current web site. She recommended using Aha Consulting, Inc. to provide hosting, maintenance and support of the Town's web site. The Town's web site will be redesign and upgraded.

TOWN WEB SITE – PROVIDE HOSTING, MAINTENANCE AND SUPPORT
AHA CONSULTING, INC.
RESOLUTION #161

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement with Aha Consulting, Inc in the amount of \$4,950 for the redesign and setup of the Town's website; and

RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement with Aha consulting, Inc to provide hosting, maintenance, and support of the Town's website on a month-to-month basis at a rate of \$250 per month, billed annually, for the period of July 1, 2010 through June 30, 2011.

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

CHAMBER OF COMMERCE/STREET FESTIVAL

Mr. Joseph Visconte was present to discuss with the Town Board the annual New Yorktown Chamber of Commerce Street Festival. He explained that it will be held on Saturday, October 9, 2010 from 11 AM to 5 PM and it will be done exactly like last year. The same roads will be closed off.

Police Chief Daniel McMahon requested a separate overtime budget line be created for the street fair.

The Town Board agreed to let the Chamber of Commerce hold the Street Festival on October 9, 2010.

SCHOOL RESOURCE OFFICERS (SRO)
CONTRACT RENEWALS

Police Chief Daniel McMahon was present to discuss with the Town Board the contract renewals for the School Resource Officers with the Lakeland and Yorktown School Districts. He stated that this is a great program.

The Town Board agreed to move forward with the School Resource Officer Contracts including the annual percentage increase.

ATTEND ANNUAL ADVANCED HANDLERS AND TACTIC SEMINAR
PO JUSTIN FOLEY & K-9 MOOSE, PO JASON SWART & K-9 CEASAR
POLICE DEPARTMENT
RESOLUTION #162

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

BE IT RESOLVED, that the Town Board hereby authorizes P.O. Justin Foley & K-9 Moose and P.O. Jason Swart & K-9 Cesar to attend the 17th Annual Advanced

Handlers and Tactic Seminar from June 7th through June 11th, 2010 in Endicott, NY.

Their attendance at this 5-day training will not create any overtime for the attendees nor create and overtime backfill for their absences.

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

ETHICS CODE

Supervisor Siegel and the Town Board discussed changes to the current Ethics Code of the Town of Yorktown.

Supervisor Siegel will have the Town Attorney draft legislation for review at the April 13, 2010 Town Board meeting.

AMEND PESTICIDE POLICY

RESOLUTION #163

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

WHEREAS, on May 9, 2009, the Town Board passed a resolution calling for the elimination of all pesticide use, including insecticides and herbicides on all town-owned property as part of its commitment to protecting the health and well being of all its residents, and

WHEREAS, the aforementioned resolution did not distinguish between the use of pesticides on town turf, including lawns and athletic fields, and town buildings and other structures, and;

WHEREAS, it has come to the Town's attention that since the aforementioned policy was adopted, it has prevented the Town from implementing the most appropriate and effective Integrated Pest Management plan for insects, including but not limited to, biting and stinging insects and rodents, that have been creating numerous health and safety issues for Town residents and employees, and

WHEREAS rodents, in addition to creating health hazards, are responsible for damaging town property, and

WHEREAS the Town Board has sought advice on the most appropriate procedures and chemicals for the elimination of insects and rodents from the New York State Department of Environmental Conservation and Grassroots Environmental, and

WHEREAS the current Town Board reaffirms the previous Board's commitment to protecting the health and well being of the Town residents,

NOW THEREFORE BE IT RESOLVED that the Town Board amends the May 9, 2009 resolution to clarify that the elimination of pesticides, including insecticides and herbicides applies to town turf, and

BE IT FURTHER RESOLVED that for structural pest control, the Town Board authorizes department heads to approve the use of the most appropriate mechanical or physical procedures, or as a last resort, chemical measures, in order to remove and prevent the future infestation of insects and rodents to town structures in the most effective and eco-friendly manner as possible.

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

NORTHERN WESTCHESTER ENERGY ACTION CONSORTIUM

Energy Consultant Mr. Jerry Robock was present to discuss with the Town Board the Northern Westchester Energy Action Consortium.

Supervisor Siegel would like Mr. Robock to actively participate in the consortium but does not feel the Town should join the consortium at this time. The fee to join is \$1,000 and she would like to clarify what that money would be used for.

APPOINT INTERMEDIATE CLERK
NOREEN M. O'DRISCOLL – NUTRITION DEPARTMENT
RESOLUTION #164

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

BE IT RESOLVED, that Noreen M. O'Driscoll of Yorktown Heights, NY, is hereby appointed Intermediate Clerk, job class code 0187-01, from Eligible List No. 02-100, within the Nutritional/Senior Services Department, effective April 5, 2010 to be paid from Yorktown CSEA Salary Schedule A1, Group 3, Step 1, working 30 hours per week to be paid \$30,587.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 5, 2010.

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

ACCEPT WETLAND BOND
ANTHONY CELIO – WP#001-10 - RELEASE WETLAND BOND
MICHAEL MCGURK – WP#025-07
RESOLUTION #165

Upon motion made by Councilman Bianco, seconded by Councilman Martorano

WHEREAS, Michael McGurk, as applicant, provided the Town with Check No. 5507 in the amount of \$500.00, which was deposited into the T33 account on August 29, 2008, to serve as the Wetland Bond for work at his Dale Street residence, and

WHEREAS, Mr. McGurk has sold his property to Mr. Anthony Celio who will be completing the work on the property, and

WHEREAS, Mr. Celio has posted Check No. 833 in the amount of \$500.00, which was deposited into the T33 account on January 15, 2010, to serve as the Wetland Bond for Wetland Permit #WP-001-10, NOW, THEREFORE BE IT

RESOLVED, that Check No. 5507 is hereby released to Mr. Michael McGurk, 3112 Donald Court, Mohegan Lake, NY 10547, and BE IT FURTHER

RESOLVED, that Check No. 833 is hereby accepted to serve as the Wetland Bond for completion of work at the Dale Street residence.

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

EXTEND WETLAND PERMIT
ALEX SANTINI – WP#015 – 09
RESOLUTION #166

Upon motion made by Councilman Bianco, seconded by Councilman Martorano

WHEREAS, Alex Santini, Eagle Scout, is creating a walking path at Sparkle Lake

with his approved Wetland Permit and is requesting more time to complete the project, and

WHEREAS, Alex Santini submitted an email requesting both 90 day extensions,
NOW, THEREFORE BE IT

RESOLVED, that Wetland Permit #WP-015-09 is hereby extended for 180 days.

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

APPROVE FEE SCHEDULE
VALUATION PLUS, INC. FOR PROPERTY APPRIASALS
RESOLUTION #167

Upon motion made by Councilman Bianco, seconded by Councilman Martorano

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Valuation Plus, Inc., for professional appraisal services in accordance with the fee schedule below:

Single Tenanted Properties	1 Approach	2 Approaches	
Preliminary Valuations	Fee	Fee	
Base Fee & 1st Year	\$1,200	\$1,700	
Additional Years	\$250 per year	\$300 per year	
Interior Inspections	\$350	\$350	
Multi-tenanted Properties	Fee	Fee	
Preliminary Valuations	Fee	Fee	
Base Fee & 1st Year	\$1,700	\$2,000	
Additional Years	\$300 per year	\$350 per year	
Interior Inspections	\$350	\$350	
Apartment Properties (Income Only)	1-24 Units	25-49 Units	50+ Units
Preliminary Valuations	Fee	Fee	Fee
Base Fee & 1st Year	\$1,500	\$1,750	\$2,100
Additional Years	\$250 per year	\$300 per year	\$350 per year
Interior Inspections	\$300	\$400	\$500

Note: Larger facilities such as shopping centers (10 tenants or more) will have a base fee of \$2,500. A 10% multi-year discount will be applied to appraisals covering more than 5-years.

In addition to the fees above, if court ready reports and testimony become necessary, these will be billed as follows:

- Conversion of a preliminary appraisal to a court ready appraisal – The preliminary fee (with no discounts) will represent 30% of a court ready report fee. In addition, we will apply 50% of the paid preliminary fee toward the court ready report fee. There will be a minimum charge of \$6,000 for all court ready reports.

- Meetings – Meetings will be billed at an hourly rate of \$125. This will also include any court preparation and appraisal review work.

- Court Testimony – Testimony will be billed at an hourly rate of \$250.

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

REFERRAL
CREATIVE LIVING DEVELOPMENT CONSTRUCTION OF TEMPORARY MULTI
PURPOSE ATHLETIC FIELDS - NAVAJO STREET
RESOLUTION #168

Upon motion made by Councilman Bianco, seconded by Councilman Martorano

WHEREAS, Creative Living Development has made a request for a Wetlands/Excavation permit for property located on Navajo Road, Yorktown, New York for the construction of temporary multi purpose athletic fields. The application for the Wetlands/Excavation permit will be referred to the following agencies:

Conservation Board
Planning Department
Town Attorney
Town Board
Town Engineer
Wetlands Inspector
Environmental Consultant
Westchester County Planning Department
NYS Department of Environmental Conservation
NYC Department of Environmental Conservation
NYS Department of Transportation
Town of Somers
New Yorktown Chamber of Commerce

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

APPOINT TOWN COMPTROLLER

JOAN GOLDBERG

RESOLUTION #169

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

RESOLVED, that Joan Goldberg be and is hereby appointed to the position of Town Comptroller and shall have all the powers and perform all the duties of the Town Comptroller not inconsistent with law and shall serve at the pleasure of the Town Board or until the first day of January next succeeding the first biennial Town Election.

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

APPOINT DISTRIBUTION SUPERINTENDENT

WATER DEPARTMENT – DAVID RAMBO

RESOLUTION #170

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

Whereas on January 5, 2010, the Town board determined that it was in the public interest to have a full time qualified and experienced professional as head of the Water Department, and

Whereas on January 5, 2010, the Town Board authorized the Supervisor to sign a Consulting Agreement with David Rambo to head the Water Department as Acting Water Superintendent on an interim basis for three months, and

Whereas since assuming the position of Acting Water Superintendent on January 6, 2010 David Rambo has identified several long term issues in need of professional attention.

Now therefore be it resolved that the Town Board hereby appoints David Rambo to the full time position of Distribution Superintendent, civil service job class code 0617, on a provisional basis pending the creation of an Eligible List for the position, to be paid \$85,000 annually, with four weeks of annual vacation, and for other benefits, sick days, personal days, and floating holidays to follow the CSEA agreement.

Be it further resolved that the appointment shall take effect as of April 5, 2010.

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

BUDGET TRANSFER POLICY
RESOLUTION #171

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

WHEREAS on March 1, 2010 the Town instituted a new Purchase Order System,
and

WHEREAS under the system, departments cannot spend money without first
obtaining a purchase order from the Finance Department, and

WHEREAS the Finance Department cannot issue a purchase order if there are
insufficient funds in the appropriate budget line, and

WHEREAS a formal budget transfer has to be made to provide sufficient funds in
the appropriate budget line, and

WHEREAS Town Law gives the authority to approve budget transfers to the
Town Board but it is not always practical or desirable to delay approval of a resolution
authorizing a budget transfer until the next Town Board meeting,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the
Supervisor to approve budget transfers under \$10,000 without the Town Board's
approval.

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

AUTHORIZE SUPERVISOR TO SIGN RETAINER
RICHARD K. ZUCKERMAN, ESQ – LAMB 7 BARNOVSKY, LLP
RESOLUTION #172

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

WHEREAS, complaints have been made alleging conduct by a supervising employee of
the Town in violation of law; and

WHEREAS, the Board has determined that this matter requires investigation by outside
counsel;

RESOLVED, that the Town Attorney is authorized to negotiate and the Supervisor is
authorized to sign a retainer agreement for legal services with Richard K. Zuckerman, a partner
at Lamb & Barnovsky, LLP, to provide legal services at the rate of no more than \$275 per hour
for partners, \$225 per hour for associate, \$150 for legal assistants, and that such retainer
agreement will provide for the investigation of this matter and a written post-investigation
report including findings and recommendations.

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

BUDGET TRANSFERS 2010
RESOLUTION #173

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

Resolved, that the Town Board approves the following 2010 budget transfers:

Town of Yorktown				
2010 Budget Transfers				
trans #	budget code	budget code description	amount	explanation
	General Fund			
10	A 8020.480	Planning Grants	158,000.00	Energy grant
	A 4300	Federal Aid	158,000.00	Energy grant
	Water District			
11	SW 8340.417	Copier Maintenance	(20,000.00)	Budget code change
	SW 8340.418	Equipment Maintenance	20,000.00	Budget code change
12	SW 8310.416	Building Maintenance	(750.00)	Budget code change
	SW 8310.417	Copier Maintenance	750.00	Budget code change
	General Fund			
	A 7020.200	Recreation Equipment	255.80	Budget shortfall
	A 7020.202	Office Furniture	(255.80)	Cover budget shortfall
	A 7215.402	Central Garage Supplies	475.50	Speedi-Dri purchase
	A 7215.471	Central Garage Spare Parts	(475.50)	Speedi-Dri purchase
	A 7215.418	Central Garage Equipment Maintenance	3,000.00	Part for diesel inspection machine
	A 7215.471	Central Garage Spare Parts	(3,000.00)	Change in charge back procedure
	A 3090	State Aid Court Grant	16,824.86	Receipt of court grant funds
	A 1110.480	Court Grants	16,824.86	Receipt of court grant funds

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

REFUND DUPLICATE TAXES
ACCOUNT #3870500, 4734780
RESOLUTION #174

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

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

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2009 Sc 22	27.11-1-1	3870500	\$3,533.66
2009 Sch 22	48.12-1-4	4734780	\$7,689.59

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

TOWN BOARD AGENDA
APRIL 6, 2010

The Town Board discussed the April 6, 2010 Town Board meeting agenda.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown