

Regular meeting held by the Town Board,
Town of Yorktown on July 6, 2010 held at
Town Hall, Yorktown Heights, NY.

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

TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster, Acting Town Engineer Sharon Robinson and Town Planner John Tegeder were also in attendance.

PLEDGE OF ALLEGIANCE

Akhil and Nikhil Neti 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.

PROCLAMATION

DESIGNATION OF JULY AS PARKS AND RECREATION MONTH

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the Town of Yorktown; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Town of Yorktown recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY the Town Board that July is recognized as Park and Recreation Month in the Town of Yorktown.

DURING HER REPORT TO THE TOWN, Supervisor Susan Siegel announced with regret the passing of former Parks and Recreation Superintendent Brian Slavin.

Councilman Martorano stated that Mr. Slavin worked for the Town of Yorktown for several decades. When he retired, the Town Board renamed our swimming pool in Shrub Oak, The Brian Slavin Aquatic Facility. Mr. Slavin well respected by his peers in government as well as the community. Councilman Martorano also wished Councilman Murphy a happy birthday.

Supervisor Siegel stated that she wanted to set the record straight on what she called rumors circulating through the community. Shortly after winning the election, she was approached by someone and told that an unknown benefactor wanted to donate a million dollars to be used to renovate the Yorktown Community and Cultural Center to accommodate a new senior center. She was told that she could not reveal the name of the person or group wishing to make the donation. She did inform the Town Board. The Town of Yorktown was just one of the communities approached about this donation. Over the last several months, she has worked with Sullivan Architects to modify the plan at the request of the donor. Unfortunately, the Town did not receive the donation. Supervisor Siegel also spoke about vacancies on the Planning Board (as an alternate), the Zoning Board (as an alternate), ABACA and the Open Space Committee.

Councilman Bianco expressed his sympathies over the death of Brian Slavin. The Councilman also stated that the Town of Yorktown did well with regard to the equalization rate for the Lakeland School District.

Councilman Martorano stated that when he was informed that a donor was looking to make a donation for a senior center in Yorktown he was very excited. Although he had wanted to see a stand-alone center, he was satisfied that the YCCC would have been expanded to create a new center. He wanted to make it clear, that he did not know who the donor was.

Councilman Vishnu Patel stated that he attended this year's graduation ceremony at St. Patrick's School with Councilman Murphy. He attended an Eagle Scout Ceremony for Leo Torrente. The Councilman also spoke about the Grand Opening of the New Hudson Valley Hospital Center. Councilman Patel introduced Akhil and Nikhil Neti, twins who accomplished something never seen before at Lakeland School District. The Neti twins were this year's Valedictorian and Solitarian.

Nikhil and Akhil Neti will both be attending the University of California at Berkley where they will both study engineering.

COURTESY OF THE FLOOR

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

Mr. Ken Belfer, a member of the Mohegan Lake Improvement District announced that this coming Saturday is Mohegan Lake Day. Various fun events will be occurring at all of the beaches surrounding Mohegan Lake. A complete listing of the events will be available at any of the beaches beginning Friday.

COURTESY OF THE FLOOR IS CLOSED

RESIGNATION

BRAD HUNTINGTON

The Town Board accepted with regret the resignation of Brad Huntington from the Zoning Board of Appeals.

APPOINTMENT - ZONING BOARD OF APPEALS

ANTHONY TRIPODI

RESOLUTION #304

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

RESOLVED, that Anthony Tripodi is hereby appointed to the Zoning Board of Appeals to replace Brad Huntington for a term ending December 31, 2011.

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

APPOINTMENT – CONSERVATION BOARD

WALTER PLANKL

RESOLUTION #305

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

RESOLVED, that Walter Plankl is hereby re-appointed to the Conservation Board for a term ending July 31, 2013.

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

APPOINTMENT – CONSERVATION BOARD

JAY KAPLAN

RESOLUTION #306

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

RESOLVED, that Jay Kaplan is hereby appointed to the Conservation Board for a term ending June 30, 2013.

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

PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 10, SECTION 10-15 RELATING TO MEMBERSHIP IN THE OPEN SPACE COMMITTEE

Supervisor Siegel convened the public hearing to amend section 10-15 of Chapter 10 of the Code of the Town of Yorktown entitled “BOARDS AND COMMISSIONS” relating to membership in the Advisory Committee on Open Space. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel stated that the proposed amendment modifies the following sections:

10-15B. removes the following “Neither persons holding elective office in the Town of Yorktown nor persons holding any office in any political organization in the Town of Yorktown shall be eligible for appointment. No more than a majority minus one shall be registered in the same political party.”

10.15C. the amendment further removes “Consecutive service shall not exceed two full terms.

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

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

LOCAL LAW #4 OF 2010
AMENDING CHAPTER 10, SECTION 10-15 RELATING TO MEMBERSHIP IN THE
OPEN SPACE COMMITTEE
RESOLUTION #307

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

WHEREAS, a public hearing was held on the 6th day of July, 2010 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Section 10-15 of Chapter 10 of the Code of the Town of Yorktown entitled "BOARDS AND COMMISSIONS" relating to membership in the Advisory Committee on Open Space.

RESOLVED, that Local Law #4 of the year 2010, 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 #4 of 2010 was thereupon declared duly adopted.

REFERRAL
PROPOSED LOCAL LAW REPALING AND REPLACING CHAPTER 15
BUILDING CONSTRUCTION AND FIRE CODE ADMINISTRATION
RESOLUTION #308

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

RESOLVED, that the proposed local law is referred to the Building Inspector, The Fire Advisory Board and the Fire Department s in Mohegan Lake and Yorktown, the Highway Department, the Town Attorney and the Water Department.

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

REFERRAL
PROPOSED LOCAL LAW REPALING AND REPLACING CHAPTER 130
FIRE PREVENTION
RESOLUTION #309

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

RESOLVED, that the proposed local law is referred to the Building Inspector, The Fire Advisory Board and the Fire Department s in Mohegan Lake and Yorktown, the Highway Department, the Town Attorney and the Water Department.

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

ADVERTISE
TOWN BOARD MEETING TO BE HELD AT MOHEGAN COLONY BEACH
CORNER OF OAK AND HIGH STREETS, MOHEGAN LAKE
RESOLUTION #310

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

RESOLVED, that the regular meeting of the Town Board will be held on July 20, 2010 at 6:00 PM at Mohegan Colony Beach, corner of Oak and High Streets, Mohegan Lake, NY. 10547.

In the event it rains, the meeting will be moved to the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY.

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

ADVERTISE

PUBLIC HEARING – PROPOSED LOCAL LAW REPALING AND REPLACING
CHAPTER 15 – BUILDING CONSTRUCTION AND FIRE CODE ADMINISTRATION
RESOLUTION #311

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 Mohegan Colony Beach, Corner of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 15, in its entirety, and replacing it with a new Chapter 15, entitled Building Construction Administration relating to the enforcement of the NYS Uniform Fire Prevention and Building Code.

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

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

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

ADVERTISE

PUBLIC HEARING – PROPOSED LOCAL LAW REPALING AND REPLACING
CHAPTER 130 – FIRE PREVENTION
RESOLUTION #312

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 Mohegan Colony Beach, Corner of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 130, in its entirety, and replacing it with a new Chapter 130, entitled Fire Prevention accepting the applicability of the New York State Uniform Fire Prevention and Building Code.

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

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

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

ADVERTISE

PUBLIC HEARING – PROPOSED LOCAL LAW NEW YORK STATE RETIREMENT
INCENTIVE PLAN
RESOLUTION #313

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 Mohegan Colony Beach, Corner

of Oak and High Streets, Mohegan Lake, New York on the 20th day of July, 2010 at 6:00 PM, or as soon thereafter as the same can be heard, to consider a proposed local law to elect a Retirement Incentive Program for eligible town employees as authorized by Chapter 105, laws of 2010 of the State of New York.

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

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

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

ADVERTISE BID
BOILER FEEDER UNIT – YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #314

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 **11:00 A.M.**, on **Monday, July 19, 2010**, for the **Yorktown Community & Cultural Center Boiler Feed Pump Unit Replacement, Capital Improvement Project #10-02**. A pre-bid meeting will be held on July 12, 2010 at 9:00 A.M. at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598.

Plans, Specifications and standard proposals for the work proposed may be obtained at the office of the Town Clerk at said Town Hall upon cash or certified check in the amount of **FIFTY DOLLARS (\$50.00)**. Said fee will **not** be refunded and will be used to defray costs of printing plans and specifications.

All bids must be accompanied by a Certified check payable to the Town of Yorktown in an amount not less than ten percent (10%) of the total bid, or an executed Consent of Surety.

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
PAVEMENT MARKINGS
HIGHWAY DEPARTMENT
RESOLUTION #315

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

Notice is here by given that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y. until 10:00 a.m. on July 16, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Pavement Markings.

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 bid in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Ave. Yorktown Heights N.Y. 10598, marked "BID-PAVEMENT MARKINGS"

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

REIMBURSE WORMSER, KIELY, GALEF & JACOBS
FOR LEGAL EXPENSES JANUARY – MARCH 2010
RESOLUTION #316

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

RESOLVED, the Town Supervisor is authorized to pay disbursements of \$297.02 to Wormser Kiely Galef & Jacobs, LLP for legal expenses from January through March 2010 while acting as Interim Town Attorney.

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

AUTHORIZE ASSESSOR TO CORRECT TAX CERTIORARI PROCEEDINGS FOR
PARCEL 37.15-1-35 LOCATED AT 2015 GREENWOOD STREET
RESOLUTION #317

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessments for parcels known as Section 37.15, Block 1, Lot 35 located at 2015 Greenwood Street and Section 37.15, Block 1, Lot 31 located at 2010 Maple Hill Street, on the Tax Map of the Town of Yorktown, and

WHEREAS, the Petitioner is willing to withdraw all pending tax certiorari proceeding for parcel 37.15-1-31, located at 2010 Maple Hill Street provided that the proposed settlement for parcel 37.15-1-35 as hereinafter set forth be accepted, now therefore be it

RESOLVED that the tax certiorari proceedings affecting tax parcel 37.15-1-35 as mentioned above for assessment roll years 1990, 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 be settled as set forth in the proposed stipulation as follows:

Assessment Year	Tax Year	AV From	AV To
1990	1991	2,700	2,000
1993	1994	2,700	2,000
1994	1995	2,700	2,000
1996	1997	2,700	2,000
1997	1998	2,700	2,000
1998	1999	2,700	2,000
1999	2000	2,700	2,000
2000	2001	2,700	2,000
2001	2002	2,700	2,000
2002	2003	2,700	2,000
2003	2004	2,700	2,000
2004	2005	2,700	2,000
2005	2006	2,700	2,000
2006	2007	2,700	2,000
2007	2008	2,700	2,000
2008	2009	2,700	2,000

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1175	\$500.00	1693 Horton Rd.	Michael E. Bizovi & Usha Bizovi 1693 Horton Rd. Mohegan Lake, NY 10547
Street Opening	009-009	\$2,000.00	Hanover St.	United Septic & Excavation Corp 311 Railroad Ave. Bedford Hills, NY 10507

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

AUTHORIZE ONE POLICE OFFICER TO ATTEND A 5 DAY BASIC SCHOOL FOR
SCHOOL RESOURCE OFFICER
RESOLUTION #321

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

BE IT RESOLVED, that the Town Board hereby authorizes one Police Officer to attend a Basic School Resource Officer Course scheduled for August 30, 2010 through September 3, 2010 in Geneva, New York.

BE IT FURTHER RESOLVED, the officer's attendance at this 5-day training will not create any overtime nor create any overtime backfill for his absence.

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

AUTHORIZE SALE OF TOWN OWNED PROPERTY
RESOLUTION #322

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

WHEREAS, the Town of Yorktown acquired title to the real property listed below by virtue of an in rem tax foreclosure proceeding;

<u>Tax Map ID</u>	<u>Address</u>
59.10-2-13	Bronx Road
59.10-2-31	496 Vine Road
16.13-2-49	1281 Ivy Road
25.08-2-74	1569 Wenonah Trail
25.11-1-4	3050 Lexington Avenue
37.09-1-83	491 Fisher Pond Road
37.11-1-42	2285 Saw Mill River Road
37.14-1-74	Baldwin Road
48.18-2-37	586 Croton Heights Road
48.18-2-39	566 Croton Heights Road
69.08-1-26.11	400 Aqueduct Avenue

and

WHEREAS, the Town Board has determined that it has no use for the listed parcels;

and

WHEREAS, the Town Board has determined that selling the above listed parcels would be in the best interest of the Town; and

WHEREAS, the Town Board has determined that the above listed parcels should be sold by way of sealed bid;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise the above listed parcels for sale by way of sealed bid.

Siegel, Murphy, Patel Voting Aye

Bianco, Martorano Voting Nay

Resolution adopted

SALE OF TOWN OWNED PROPERTY

BERNSTEIN PROPERTY

RESOLUTION #323

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

WHEREAS, the house and real property located at 3147 Old Yorktown Road, Town of Yorktown, Tax Map ID 26.07-1-30 (formerly known as Section 4.19, Parcel 45, Lot 4), (referred to hereinafter as the “Bernstein House”) was devised and bequeathed in the Last Will and Testament of Helen Bernstein to the Town of Yorktown Museum, a department of the Town of Yorktown, and was conveyed by Lester Rosenbaum, the executor of the estate of Helen Bernstein, to the Town of Yorktown on November 21, 1990; and

WHEREAS, the conveyance was made upon the condition that the premises and the house thereon shall be used for the Town of Yorktown museum purposes with some or all of the rooms being open as a museum for a period of at least ten years from the date thereof, and

WHEREAS, the property was open and used by the Town for museum purposes from 1990 until 2008, and

WHEREAS, the Town of Yorktown Museum no longer utilizes the Bernstein House for museum purposes, and

WHEREAS the Town Board has determined that it has no further use for the Bernstein House, and that selling the property would be in the best interest of the Town, and

WHEREAS, the Town Board has determined that the Bernstein House should be sold by way of sealed bid,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise the property for sale by way of sealed bid.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye

Resolution adopted

Councilman Bianco stated that the reason for his vote opposing these resolutions is that the procedure that should have been followed was not. While he does not mind placing the two houses out for sale, he believes the other properties should have been referred to the Town Departments and Advisory Boards for their input before announcing a sale.

Councilman Martorano stated that although he was 99% sure that there were no problems associated with these properties, Councilman Bianco is right. A procedure for the sale of property has been established. These properties should be referred to the Conservation Board, to the Planning Board and to the Open Space Committee.

PROPERTY MAINTENANCE
FOR BLIGHT CONDITIONS IN NEIGHBORHOODS
RESOLUTION #324

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

WHEREAS, the Code Enforcement Officer determined that the property located at 2294 Van Cortlandt Circle, designated as Section 37.06, Block 1, Lot 6 on the Tax Map of the Town of Yorktown, is creating blight conditions in the neighborhood and,

WHEREAS, the Code Enforcement Officer states that the grass has become overgrown and unsightly due to a lack of maintenance and,

WHEREAS, the Code Enforcement Officer further stated that a large amount of trash has accumulated on the lawn of said residence, and

WHEREAS, two notifications have been mailed to the residence with no response, be it

RESOLVED, that the Town Board authorizes the Superintendent of the Department of Environmental Conservation and the Superintendent of the Parks and Recreation Department to dispatch grounds maintenance personnel to the Property to mow the lawn and trim the hedges, bushes, and trees and to remove the bulk trash to keep the property from being overgrown and unsightly and from being a safety hazard or a blighting factor, and be it

FURTHER RESOLVED, that the Parks and Recreation Superintendent and the Department of Environmental Conservation will also dispatch crews to the following properties that the Code Enforcement Officer has also stated are creating blight conditions in the neighborhood:

	Section	Block	Lot
2707 Quaker Church Road	27.11	2	1
281 Somerston Road	17.14	1	85
164 Somerston Road	17.14	2	44
2383 Saw Mill River Road	37.7	1	32
2846 Avis Court	26.11	1	87
3513 Flanders Drive	17.10	3	33

and be it,

FURTHER RESOLVED that the expense of this remedy will be charged against the land on which it is located, be assessed, levied and collected as provided in Section 225-9 of the Town Code.

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

AUTHORIZE SUPERVISER TO SIGNEASEMENT AGREEMENTS ASSOCIATED
WITH THE CHASE BANK SITE PLAN
RESOLUTION #325

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

WHEREAS, the Planning Board approved the JPMorgan Chase, N.A. site plan by Resolution #09-07 dated March 9, 2009; and

WHEREAS, the SEQRA process was completed as part of said site plan approval; and

WHEREAS, said site plan approval required the property owner, Crompond Road Associates, LLC, to file with the Westchester County Clerk a Declaration & Public Access Easement, a Conservation Easement, and a Water Easement with the Town of Yorktown;

BE IT THEREFORE RESOLVED, that the Town Board authorizes the Town Supervisor to sign the said Declaration & Public Access Easement, Conservation Easement, and Water Easement with Crompond Road Associates LLC, associated with the site plan

approval for the JPMorgan Chase Bank, N.A. located at 3394 Crompond Road, Yorktown Heights, NY 10598.

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

REFUND DUPLICATE TAX PAYMENTS

ACCOUNT #2964000 - \$4,267.78

RESOLUTION #326

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

Tax & Year	Property	Amount	Refund to:
2010 Town/Cty	17.10-3-46	\$4,267.78	BAC Tax Services Corp. P.O. Box 10211 Van Nuys, CA 91410

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

MONTHLY REPORTS

Receiver of Taxes – 3 Reports

APPOINTMENT

FIRE INSPECTOR

RESOLUTION #327

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

BE IT RESOLVED, that Edward W. Kolisz of Shrub Oak, NY, is hereby appointed Fire Inspector, job class code 0107-01, from Eligible List No. 61-888, within the Building Department, effective August 9, 2010 to be paid from Yorktown CSEA Salary Schedule A-1, Group 13, Step 1 which is \$59,945.00 annually;

BE IT 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 August 9, 2010.

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

Councilman Bianco raised opposition for voting for the new Court Clerk whom he says he has never met. He further stated that New York State Law gives the Town Board the authority to hire this person upon advice and consent of the Town Justices. But, he said that he has never met this person.

EXECUTIVE SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move into Executive Session to interview a particular person for employment.

OPEN SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move back into open session.

SUPERSEDE RESIDENCY REQUIREMENT

COURT CLERK
RESOLUTION #328

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

RESOLVED, that the Town Board finds that notwithstanding any provision of any special, general or local law to the contrary, the Court Clerk of the Town of Yorktown need not be a resident of the Town of Yorktown, and

FURTHER RESOLVED, that the Town Board intends this finding to supersede the provisions of Section 3 of the Public Officers Law of the State of New York and Section 23 of the Town Law of the State of New York.

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

APPOINTMENT
COURT CLERK
RESOLUTION #329

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

RESOLVED, Isabel M. Klein residing in Middletown, NY is appointed to the full time position of Court Clerk, civil service job class code 0046-03, to serve at the pleasure of the Town Justices, effective August 2, 2010, to be paid annually in the amount of \$75,000.00, with annual vacation, health benefits, sick days, personal days, and floating holidays to follow the CSEA agreement and be it

FURTHER RESOLVED, this appointment is subject to a probationary term of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on August 2, 2010.

It shall not be a requirement of this appointment that the Court Clerk reside in the Town of Yorktown.

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

Yorktown Justice Sal Lagonia thanked the Town Board for appointing Ms. Klein. He also thanked Margaret Gspurning, Human Resource Specialist who he says has been wonderful to both him and Justice Gilbert. Justice Lagonia further explained that the employees in the Court House are like a family and he welcomed Ms. Klein to their family.

WORK SESSION

The Town Board moved into a work session to discuss the following issues.

JEFFERSON VILLAGE DRAINAGE

Supervisor Siegel explained that she along with the Town Attorney and the Town Engineer met with a representative of the new managing agent for Jefferson Village as well as members of JOC regarding drainage issues. During the discussion the managing agent asked that there be equitable shared costs for their storm water issues as well as retroactive payments for same. The Supervisor further stated that they claim that the Town is the owner of the detention pond on their property.

Since the meeting, Supervisor Siegel stated that she has had a number of departments research the issue. She has put that research into a letter which she would like to send to Jefferson Village.

The Board members asked that they be given a chance to read the letter and to make changes prior to its being sent.

NYS RETIREMENT INCENTIVE

Supervisor Siegel shared a list of employees whom the Town Comptroller has identified as being eligible for the incentive. We initially started with inquiries from three people who told us they were interested, now we understand, there are several more who might want to take advantage of the incentive. Supervisor Siegel explained that the Board will avail themselves of Option A which permits the Town to target positions which will not be filled. She spoke of two possible positions in the Water Department. She further explained that there is a position at the Northern Westchester Joint Water Works that we can simply eliminate. She will have more information next week at the regular work session.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown