

Regular meeting held by the Town Board,
Town of Yorktown on November 16, 2010 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

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Eagle Scout Gabriel Rivera led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel announced the following: On Saturday, November 13th, the Town Board met and adopted the 2011 Preliminary Budget which will be the subject of a public hearing on December 2, 2010. The Supervisor will be presenting a list of uncollectible liens some going back to the 1970's which must be extinguished. The Town Board restored the Police Canine Unit to the 2011 Budget. They did keep the closing of the YCCC on Sunday in the budget. This does not mean that the theatre will have to close or that the YAC members can't use the gym. They will have to pay for the services of a custodian if they want to open the building. Supervisor also stated that the Town Board discussed the issue of decorum at Town Board Meetings. If the Town Board feels that people are not polite and civil, we will adjourn the meeting until order is restored.

DURING THE TOWN COUNCIL'S REPORT TO THE TOWN

Councilman Patel spoke about the following Proclamation that he had given out at a recent Eagle Scout Court of Honor:

WHEREAS Gabriel Rivera, a Boy Scout from the Town of Yorktown Troop 238, has achieved the highest rank in Scouting that of Eagle Scout and;

WHEREAS Gabriel Rivera has received this honor for his diligent work on behalf of Scouts and this community and for having the perseverance to keep with Scouting through his teenage years and to honor its tenets; and

WHEREAS Gabriel Rivera is applauded for his leadership for coordinating the refurbishing of the Yorktown Volunteer Ambulance Corps making it safe and neat for our volunteers who offer their life saving expertise to our community; and

WHEREAS Gabriel Rivera, in having attained this highest rank in Scouting and joining the ranks of an elite cadre of youths, is deserving of the recognition of the entire population of the Town of Yorktown;

NOW, THEREFORE, I, SUSAN SIEGEL, Supervisor of the Town of Yorktown, along with the Town Board express congratulations to Eagle Scout Gabriel Rivera and in recognition of his achievement, this proclamation is presented.

Gabriel Rivera spoke about his project. He introduced his brother Gregory who is a boy scout with Troop 238 and a friend Josh, who is a boy scout from troop 251. Gregory Rivera spoke about the money he raised for a wounded soldier during his brother's Court of Honor.

Councilman Murphy thanked everyone who participated in the Veterans Day Parade in Shrub Oak and ceremony at Town Hall. He also stated that newly elected Assemblyman Steven Katz, who is also a veterinarian has offered his services for free for Yorktown's canine unit.

Councilman Martorano also thanked everyone for showing up at the Veteran's Day Services at Town Hall.

COURTESY OF THE FLOOR

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

Mr. Francis McVetty asked several questions:

Has the Cable Advisory Board issue been resolved?

Will the current members be reappointed, and will we be allowed to pick our own Chairman?

Has anything been decided about the new equipment for the Board Room in Town Hall?

Who will be in charge of maintaining this new equipment?

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel stated that there has been no discussion by the Board regarding the Cable Advisory Committee. This may be one of the items on the next work session.

Councilman Martorano stated that he is in agreement with Mr. McVetty, the public hearing we held two weeks ago showed the need for this committee.

DECISION

CABLEVISION FRANCHISE RENEWAL

RESOLUTION #525

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

WHEREAS, the Town of Yorktown (the "Town") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934, (the "Communications Act"), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Town, executed a franchise agreement with A-R Cable Investments Inc. d/b/a Cablevision of Yorktown, a wholly owned subsidiary of Cablevision Systems Corporation, on September 3, 1998, which was confirmed by the New York State Public Service Commission, effective October 5, 1999 (the "Existing Franchise"); and

WHEREAS, the Franchise was subsequently transferred to CSC Holdings, LLC, as successor in interest to CSC Holdings, Inc., a wholly owned subsidiary of Cablevision Systems Corporation; and

WHEREAS, the Franchise was thereafter subsequently transferred to Cablevision Systems Westchester Corporation (“Franchisee”), another wholly owned subsidiary of Cablevision Systems Corporation; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the “Franchise Renewal Agreement”) to operate a cable system within the Town; and

WHEREAS, The Town and Franchisee have mutually agreed to the terms of the Franchise Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of the Existing Franchise and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a cable system within the Town and that Franchisee’s proposal for renewal of the franchise meets the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreement, was held before the Town on November 4, 2010.

NOW, THEREFORE, be it

RESOLVED, that the Town Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED, that the Town Board concludes that the terms of the Franchise Renewal Agreement is reasonably comparable in its totality with the terms of the Agreement between the Town and Verizon NY, Inc., (Case # 08-V-1254, confirmed by the Commission on November 13, 2008), and does not contain economic or regulatory burdens which, when taken as a whole, are greater or lesser than those burdens placed upon the party to the other agreement, or any other cable television franchisee operating in the same franchise area; and, with regard to the provision of facilities and support for Public, Educational and Governmental Access are competitively neutral; and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the Franchise Renewal Agreement with Cablevision Systems Westchester Corporation and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town.

Siegel, Bianco, Patel	Voting	Aye
Martorano	Voting	Nay
Murphy	Voting	Abstain

Resolution adopted.

Councilman Patel stated that he voted in favor of this contract because the Town’s options were limited because of the agreement with Verizon. He would like to keep the Cable Advisory Committee.

Councilman Bianco stated that he wanted to thank the members of the Cable Committee who did help negotiate this contract as well as former Town Supervisor Don Peters and former Town Attorney John Buckley who opened these discussions, and our current Town Attorney who wrapped up the negotiations.

Councilman Martorano explained that he voted nay on this contract because he was unable to get the representative from Cablevision to state that his company would keep its access studio in Yorktown. The residents of this community want the studio in Yorktown.

Councilman Murphy stated that he abstained from voting on this contract because he was not on the Board when the Verizon agreement was negotiated. He was also not included in the negotiations of this contract. Councilman Murphy further stated that he was in favor of keeping the Cable Advisory Committee.

Mr. Robert Hoch, the negotiator for Cablevision thanked the Board for voting on this new contract. He thanked Town Attorney Koster for her help during the negotiations. Mr. Hoch stated that there are a lot of good things in this new agreement. He spoke about the fact that both the Lakeland School District and the Yorktown School District will now have their own access channels, in the past their shared one.

ADVERTISE BID
TOWN PUBLICATIONS AND PRINTING PROJECTS
RESOLUTION #526

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Friday, December 10, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Town Publications and Printing Projects for 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.

AWARD BID
2011 FORD F550 TRUCK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESOLUTION #527

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

WHEREAS, bids were received on Wednesday, November 10, 2010 for a 2011 F550 4x4 Truck for the Environmental Conservation Department. Bids results are as follows:

Dealership	Bid Price
Trius, Inc.	<i>No bid at this time</i>
Park Ford Mahopac	\$ 47,100.00
Ford of Smithtown	\$ 43,951.00
Interstate Ford Truck Sales, Inc.	\$ 45,855.00
November 16, 2010	4

Gabrielli Truck Sales Ltd.	\$ 49,737.00
Pleasantville Ford, Inc.	\$46,370.80

RESOLVED, that upon the recommendation of the Superintendent of Environmental Conservation Patrick Lofaro, the bid for a 2011 Ford F550 4x4 Truck be awarded to Ford of Smithtown, the lowest responsive bidder.

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

APPOINTMENT

KARREN H. PEREZ – SECTION 8 HOUSING DIRECTOR

RESOLUTION #528

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

BE IT RESOLVED, that Karren H. Perez of Eastchester, NY, is hereby appointed Director- Section 8 Rental Assistance, job class code 0245-01, from Eligible List No. 61-209, effective December 6, 2010, to be paid \$75,000.00 annually, sick days, personal days, floating holidays and other benefits to follow the CSEA agreement.

BE IT FURTHER RESOLVED, effective January 1, 2011 will be entitled to 10 vacation days, second year and beyond shall follow the CSEA agreement.

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 December 6, 2010.

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

RELEASE EROSION CONTROL BOND

YVONNE CALDERON ESTEVEZ

RESOLUTION #529

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

WHEREAS, Yvonne Calderon Estevez, as applicant, heretofore filed an Erosion Control Bond in the sum of \$300.00, which was deposited into the T33 Account on October 22, 2004, covering Wetland Permit #124-04, for work performed at 3690 Wildwood Street, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00 be and is hereby released to Ms. Yvonne Calderon Estevez, 3690 Wildwood Street, Yorktown Heights, NY 10598.

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

RELEASE WETLAND BOND TEATOWN LAKE RESERVATION
RESOLUTION #530

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

WHEREAS, Teatown Lake Reservation, as applicant, heretofore filed a Wetland Bond in the amount of \$500.00, which was deposited into the T33 Account on December 4, 2009, covering Wetland Permit #045-09, for work performed at the Spring Valley Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for wetlands may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$500.00, be and is hereby released to Teatown Lake Reservation, 1600 Spring Valley Road, Ossining, NY 10562.

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

RELEASE WETLAND BOND
ANDREA MOFFETT
RESOLUTION #531

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

WHEREAS, Andrea Moffett, as applicant, heretofore posted Check No. 2850 in the amount of \$300.00, which was deposited into the T33 Account on February 15, 2008, covering Wetland Permit #003-08, for work performed at her Susan Court residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00, be and is hereby released to Ms. Andrea Moffett, 2420 Susan Court, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND
JOSEPH SORRENTI
RESOLUTION #532

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

WHEREAS, Joseph & Lisa Sorrenti, as applicants, heretofore posted Check No. 394 in the amount of \$1,000.00, which was deposited into the T33 Account on October 23, 2009, covering Excavation Permit #046-09, for work performed at their Amelia Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$1,000.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$1,000.00, be and is hereby released to Mr. & Mrs. Joseph Sorrenti 3248 Amelia Drive, Mohegan Lake, NY 10547.

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

RELEASE CHECKS/BONDS AND ACCEPT NEW PERFORMANCE BOND
TIMOTHY MALLON – VILLAGE TRADITIONS
RESOLUTION #533

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

WHEREAS, Timothy Mallon, as applicant and developer, provided the Town with Check #4476, in the amount of \$132,380.00, to serve as the Performance Bond for the Village Traditions site Plan, located on Route 6, and

WHEREAS, Timothy Mallon, as applicant and developer, provided the Town with Check #4477, in the amount of \$20,000.00, to serve as the Erosion Control Bond, and

WHEREAS, Timothy Mallon, as applicant and developer, provided the Town with Check #4478, in the amount of \$12,190.00, to serve as the 8% Inspection Fee, and

WHEREAS, Timothy Mallon, as applicant, has requested the return of his Performance Bond, Check #4476 in the amount of \$132,380.00, and has provided the Town with Platte River Insurance Company Subdivision Bond #41206724, in the amount of \$132,380.00, to serve as the Performance Bond, and

WHEREAS, Timothy Mallon, as applicant, has requested the return of his Erosion Control Bond, Check #4477 in the amount of \$20,000.00 and has provided the Town with Platte River Insurance Company Subdivision Bond #4120624 in the amount of \$20,000.00, to serve as the Erosion Control Bond, NOW, THEREFORE BE IT

RESOLVED, that Platte River Insurance Company Subdivision Bond No. 41206723, in the amount of \$132,380.00, is hereby accepted to serve as the Performance Bond, and BE IT FURTHER

RESOLVED, that Platte River Insurance Company Subdivision Bond No. 41206724, in the amount of \$20,000.00, is hereby accepted to serve as the Erosion Control Bond for the Village Traditions Site Plan.

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

RESCIND RESOLUTIONS #452 & 453
RETAIN AUCTION PROPERTY – BRONX AND VINE ROAD
RESOLUTION #534

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

WHEREAS, The Town of Yorktown is the owner of two (2) properties located at the addresses listed below which were auctioned by the Town at the public auction held on September 29, 2010, and MD Anisuzzaman was the highest bidder for both parcels; and

WHEREAS on October 5, 2010 the town accepted MD Anisuzzaman's bids for the parcels in Resolutions 452 and 453; and

WHEREAS, the Town postponed the closings on said parcels with the consent of Mr. Anisuzzaman and referred the parcels to the Advisory Committee on Open Space, and the ACOS has evaluated the parcels and recommends that the Town retain ownership and keep them in their natural condition;

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby rescind Resolutions 452 and 453, and rejects the bids of MD Anisuzzaman with respect to the two below-listed parcels, and be it further

RESOLVED that said parcels be and hereby are declared parkland.

Auction

Parcel

No.	Sec/block/lot	Street Address
1	59.10-2-13	Bronx Road
2	59.10-2-31	496 Vine Road

Supervisor Siegel stated that she opposed this resolution. The auction was done in good faith. Bidders were told to do their due diligence. The two parcels are not buildable lots. This is a two acre residential zone. The Open Space Committee advised the Town Board that because these were sensitive parcels, the Town should rescind the resolution to sell the lots, retain ownership and convert them to parkland. The Conservation Board acknowledged that both of the lots were environmentally sensitive, but they saw no need for the town to retain ownership, or convert them to parkland.

Councilman Martorano stated that we have been down this road before. We sent the parcels to the Open Space Committee and Conservation Board for their review and recommendation. The issue now is how environmentally sensitive do you want to be. We were told by the Open Space Committee that the properties were environmentally sensitive, and that a stream runs through them. The Board must now decide if it is committed to the environment.

Councilman Murphy stated that he commended the Supervisor for trying to sell these little slivers of land to get money for the Town. But, he stated that the Town could have done a better job if the properties had been referred to the committees in advance of the auction. There is a natural spring that runs through these properties.

Councilman Bianco stated that the Zoning Board of Appeal's job is to grant relief to applicants who cannot meet our building requirements. These properties could have been built out if the seller went before the ZBA. Councilman Bianco stated that he agreed with Councilman Murphy that this was not handled in the best way. All of the properties should have been referred out in the beginning. These two parcels are right near the Croton Reservoir.

Councilman Patel asked if the buyer was in the audience.

He was told no.

Bianco, Martorano, Murphy, Patel Voting Aye

Siegel Voting Nay

Resolution adopted.

CONVENE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 300-62

ENTITLED "STORAGE OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY"

Supervisor Siegel called to order a public hearing to amend sections of Chapter 300-62 of the Code of Yorktown entitled "Storage of commercial vehicles on residential property." Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel stated that this law was last revised in 2009. The Town's concern was the parking of construction vehicles in residential areas. The Building Department felt some of the language in the law was unclear and they reworked some of the definitions.

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

LOCAL LAW #14 OF 2010
RESOLUTION #535

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

WHEREAS, a public hearing was held on the 16th day of November, 2010 pursuant to notice duly published as required by law to amend sections of Chapter 300-62 of the Code of Yorktown entitled "Storage of commercial vehicles on residential property." Now therefore be it

RESOLVED, that Local Law #14/2010, as annexed hereto, be and is hereby adopted.

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

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

Local Law #14/2010 was thereupon declared adopted.

CONVENE PUBLIC HEARING
UPDATE OF ZONING MAP FOR PERIOD 1991-2009

Supervisor Siegel called to order a public hearing to administratively update the current zoning mapping that previous Town Boards have, in the past adopted, in order to rectify any minor irregularities that may have occurred, in adopting such zoning changes, since the last publication of a similar map on January 31, 1991. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel gave an overview of the project stating that the last official zoning map was published in 1991. Since that time, various town boards have approved re-zonings which have never made it onto a map.

Mr. Ray Arnold, who has been working on this project for several years stated that in addition to the approved re-zonings there are four errors on the map that the Planning Department is working with including having the Taconic Office Building as an industrial zone when it had been rezoned a Planned Interchange District in 1987.

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

CONVENE PUBLIC HEARING
RE-ZONINGS ASSOCIATED WITH COMPREHENSIVE PLAN ADOPTED
ON JUNE 15, 2010

Supervisor Siegel called to order a public hearing for the public to comment orally and/or in writing upon the proposed changes to the Zoning Text of the Town of Yorktown. This is an excerpt of original notices annexed to the minutes. Affidavits of Posting and Publication were presented by the Town Clerk.

The minutes of this public hearing were taken by a court stenographer from Carbone and Associates, LTD., and will be on file in the Town Clerk's office when completed.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned. Councilman Murphy motioned, seconded by Councilman Bianco. The Board will accept written comments regarding this public hearing until November 30, 2010.

MONTHLY REPORTS

Building Department – October – Cost of Construction Report

COURTESY OF THE FLOOR

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

Mrs. Sheri Hardwerger stated that she purchased property in Yorktown thirteen years ago. She would like to see the Community Dog Park go forward.

Mr. Steve Gardner asked about the status of the equipment used at the Legacy Ball Field. He also wanted to know if the Town Board considered his idea to have a Clerk of the Works on this project so that the Town residents will know how much money is being spent on this project.

Mr. Edward Ciffone, President of the United Taxpayers in Yorktown and an employee of the Court wanted to know what is going on with their HVAC system. He also wanted to know why the Budget Hearing was on a Thursday. Is it because he works on Thursday? He also felt that the purchase of Granite Knolls cost taxpayers \$150,000 a year. He also feels the Town could take an additional \$50,000 from its fund balance to decrease the proposed 2011 tax increase.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the questions as follows:

Regarding the dog park, the Town is waiting for New York State to give us permission to conduct the controlled burn at Trump State Park.

Regarding the equipment at Legacy Ball Field, the plan was to sell the equipment and put the money back into the Recreation Commission's Trust and Agency Fund. Then, a proposal was made to use this equipment to build ball fields at Granite Knolls.

Most of the work done at the Legacy Ball Fields was done by town employees. The tree removal work was the only work that was done by other personnel.

The Town Board is aware of the problems with the HVAC system in the Court. There was a clog in the system that will cost \$17,000 to repair.

Councilman Bianco stated that hopefully he and Councilman Murphy can speak to the newly elected Assemblyman and State Senator to see if they can get an answer out of the New York State Parks Department concerning the town's request to have a dog park there.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown