

Work Session held by the Town Board, Town of Yorktown on October 12, 2010.
Yorktown Town Hall, 363 Underhill Avenue,
Yorktown Heights, New York 10598.

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

WORK SESSION

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

MASTER FEE (ENVIRONMENTAL FINDINGS)

RESOLUTION #462

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

WHEREAS, the Town Board of the Town of Yorktown adopted a local law relating to amending Chapter 168 of the Code of the Town of Yorktown pertaining to fees on October 5, 2010; and

WHEREAS, the fees program authorized under said legislation is not a new program that will affect the environment; NOW, THEREFORE BE IT

RESOLVED, that the Town Board, being the sole approval authority, is lead agency by operation of law and that said legislation is determined to be a Type II action as to which no further review is required; and be it further

RESOLVED, that the action taken by the Town Board on October 5, 2010 is hereby ratified.

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

APPROVE REMAINING AUCTION BIDS

SALE OF BERNSTEIN HOUSE

RESOLUTION #463

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

WHEREAS, the Town of Yorktown is the owner of a parcel of real property located at 3147 Old Yorktown Road, a/k/a Tax Map No. 26.07-1-30, which was acquired by donation and conveyed to the Town on November 2, 1990 by deed of the executor of the Estate of Helen Bernstein; and

WHEREAS, some or all of the rooms in the building located on said parcel were open for public use as a museum for a period of at least ten years; and

WHEREAS, Resolutions No. 325 dated July 6, 2010 and No. 394 dated August 31, 2010 authorized the sale of said property, the Town Board having determined that the property was no longer needed for town purposes and should be sold; and

WHEREAS, the sale of 3147 Old Yorktown Road was subject to a permissive referendum as required by Town Law section 64(2) and notice of said resolution was posted on the bulletin board of the Town Clerk and published in the North County News on September 8, 2010; and

WHEREAS, a public auction was held on September 29, 2010 in Town Hall, prior notice of which was duly published in the North County News and duly posted on the Town Clerk's bulletin board; and

WHEREAS, the bidders at the auction were given notice that the property was subject to a proposed conservation easement; and

WHEREAS, the Town has received and considered bids on said property, and has made a determination as to the winning bid; and

WHEREAS, the sale of said property is an Unlisted Action under SEQRA and that the Town Board, being the sole approval authority, is lead agency by operation of law;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board finds that no significant adverse environmental impact will result from the proposed sale of the property and the Town Board hereby issues a negative declaration; and be it further

RESOLVED, that the Town Board does hereby accept the bid of the Hugo H. Rivas to purchase said property in the amount of \$170,000; and be it further

RESOLVED, that the Town Attorney is hereby authorized to prepare and have executed all documents necessary to effectuate the sale of said parcel, subject to the following conditions:

The Town will convey each parcel by Quit-Claim Deed, subject to any and all conditions, restrictions, zoning, actions of Town and/or building inspectors, etc. affecting the said parcel or premises and to such facts as would be disclosed by a survey and inspection; the Town further will make no warranty or representation as to the condition, dimensions, location or physical existence of the property described herein, or to the marketability of its title, and the purchaser will assume all risk thereof; and subject to the Purchaser simultaneously conveying to the Town a Conservation Easement on that portion of the property as denoted on the diagram provided to bidders at the auction.

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

The Town Board discussed whether to approve the remaining two bids for parcels located in the Croton Heights area of the Town of Yorktown. The discussion included the following comments:

Supervisor Siegel's stated that the Town's Environmental Consultant, Bruce Barber has requested that the Town Board postpone making a decision on this issue, so that he may provide the Board with additional information.

Councilman Bianco objected to waiting. He said the Conservation Board and the Open Space Committee have evaluated these properties, they sent in their reports, a copy of both reports are on file in the Auction File and he is prepared to vote tonight.

Councilman Martorano stated that the process works. The reason that he will be voting to reject the sale of these properties is based on information from the Town's advisory boards.

Councilman Murphy stated that after reviewing the reports from both advisory boards, and after looking at the property himself, he agrees that the Town should keep the property as open space or parklands.

Councilman Patel stated that he is familiar with this parcel, that he has walked it many times.

Supervisor Siegel pointed out various issues about these properties including the fact that one parcel would require a variance if the owner decided to build. She further stated that that this shows a lack of faith on the Town's part. The Auction Company advised the bidders to do their due diligence.

REJECT TWO AUCTION BIDS

Resolution #464

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

WHEREAS, a public auction was held on September 29, 2010 in Town Hall, prior notice of which was duly published in the North County News and duly posted on the Town Clerk's bulletin board and

WHEREAS, under the Terms and Conditions of the Auction, "all bids shall be subject to approval by the Town of Yorktown Town Board, which shall have the right, in the Board's sole discretion, to reject any bid for any reason whatsoever."

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby rejects the bids received on September 29, 2010 for the following parcels:

Parcel #8 – Tax Map #48.18-2-37 - 586 Croton Heights Road

Parcel #9 - Tax Map #48.18-2-39 - 566 Croton Heights Road

Bianco, Martorano, Murphy, Patel Voting Aye

Siegel Voting Nay

Resolution adopted

TEEN CENTER

Mrs. Helena Rodriguez, Board Member of the Yorktown Teen Center and several members were present for this discussion.

Mrs. Rodriguez told the Town Board that word of the Teen Center is apparently getting out. Students from Lakeland are attending the center. This month, they have already hosted 130 kids.

Mr. Rick Cerone, a former graduate of Yorktown High School who now owns his own public relations and motivational speaking companies told the Town Board that he is working with the members of the Board to create an atmosphere that youngster would want to come to. Right now, the area looks like a senior center, more than a teen center. He is not looking for money from the Town Board.

Mrs. Rodriguez stated that the only thing we are looking for is the assurance that we will have the same room for the same price next year.

The Board gave the Teen Center its assurance that they will continue to have the same space in 2011.

PATRIOT GARDEN

Planning Director John Tegeder explained the reasons for the additional charges incurred with this project.

A resolution to approve the changes will be placed on the next agenda.

TREE LAW

Councilman Martorano stated that he was able to call a meeting with Mrs. Ann Kutter, Mrs. Linda Miller, Mr. William Kellner and Mr. William Bronner last night and work through some changes on the proposed ordinance.

Among the changes discussed were Community Forest would be changed to Yorktown Forest. There is a stipulation that there would be no takeover of trees on private land. Several definitions including agriculture activities and orchards were changed. The Forest Stewardship Plan has also changed as well as regulated buffers, woodlands and protected tree. The provisions for fees have also changed.

Supervisor Siegel stated the Town Board would receive a copy of the new version of the law by next week. A public hearing will be scheduled for December 7, 2010.

SKATE BOARD LAW

Councilman Martorano questioned how the Town Attorney would defend Section 243-3a. of the proposed local law.

The Town Attorney stated that if they weren't happy with it, that they could remove that section.

The Supervisor stated that the Town will advertise for a public hearing on this proposed law on November 4, 2010.

INSTALLMENT AGREEMENTS ON BACK TAXES

Chapter 260 of the Town Code which allows for people who are delinquent in their taxes to enter into installment agreements with the Town was enacted in 1997.

There are 6 agreements that are currently in effect, all of which are not current.

Mrs. Frieda Schmid stated that a letter was sent to all six stating that they are in default of their agreements.

The question of whether to repeal this provision of Town law was debated by various members of the Town Board. Councilman Martorano stated that repealing the law would show a lack of humanity on the part of this Board. Councilman Murphy agreed that he would not vote to repeal the law, particularly in this economy. Councilman Martorano further added that the Town is not losing anything with keeping the law because these property owners must pay the appropriate penalties.

Town Attorney Koster stated that Section 260-16 should be amended to conform to Section 1184 of the Real Property Law. In addition, if any installment is not paid by the end of the fifteenth calendar day after the payment due date, a large charge of 5% shall be added, not the current 15%.

REVIEW OF TOWN BOARD MINUTES

Supervisor Siegel asked the Town Board if they wanted to resume the practice of approving the minutes which ended in 1996. She spotted several errors in minutes of a recent meeting.

The Town Clerk stated that she would welcome anyone working with her to insure that the minutes are correct.

CAPITAL BUDGET

The Town Board was given a list of capital budget projects. Supervisor Siegel asked that the Board look at the projects and give her a list containing their top 5 projects.

COURT STAFFING

Judge Ilan Gilbert, Judge Salvatore Lagonia, Court Clerk Isabel Klein, and Human Resource Specialist Margaret Gspurning participated in this discussion with the Town Board.

Judge Lagonia stated that they needed an Assistant Court Clerk now. They have been working since April with one person less than their 2010 Budget allows for. The Court

Clerk, Kathy Dickan left in April but was not replaced until recently. Karen Moseman left several weeks ago and we need to replace her.

Judge Gilbert explained that he and Judge Lagonia has come in on their own free time to help clear up the backlog, but a clerk is needed.

Judge Lagonia stated that the economy also takes a toll on the court system, we have more burglary cases, more drunk driving cases as well as more domestic violence cases.

Councilman Bianco stated that he was not prepared to appoint any new staff until he sees the Supervisor's budget. He suggested there are steps that could be taken such as taking a person from Town Hall and letting them work in the courts for two weeks.

Supervisor Siegel also asked the Judges to wait.

Councilman Martorano stated that he was not prepared to wait. He would not forego public safety even in hard times.

Councilman Murphy stated that he was willing to vote tonight to allow the court to fill the position that the court needs in order to operate properly.

Councilman Patel stated that he wanted the court to reduce their backlog as soon as possible.

AUTHORIZE THE JUDGES TO FILL A
VACANT ASSISTANT COURT CLERK POSITION
RESOLUTION #465

Motion by Councilman Martorano, Seconded by Councilman Murphy

RESOLVED, Judge Lagonia and Judge Gilbert are authorized to fill the position of Assistant Court Clerk left vacant by the retirement of Karen Moseman.

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

IBM PAYMENT IN LIEU OF TAXES AGREEMENT

Supervisor Siegel stated that this will come before the Town Board after Westchester County agrees to permit IBM to operate under the Westchester County Industrial Development Agency.

TOWN BOARD AGENDA

OCTOBER 19, 2010

The Town Board discussed the October 19, 2010 Town Board meeting agenda which will be held at Town Hall beginning at 7:30 P.M.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown