

Regular meeting held by the Town Board,
Town of Yorktown on September 7, 2010 held at
Teatown Lake Reservation, 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

Supervisor Siegel led the salute to the flag.

MOMENT OF SILENCE

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

WELCOME – FRED KOONTZ, EXECUTIVE DIRECTOR TEATOWN LAKE RESERVATION:

Mr. Fred Koontz stated that on behalf of the Board of Directors and the staff of Teatown Lake Reservation, we are delighted to host this meeting. For nearly fifty years, the Town of Yorktown and Teatown Lake Reservation have collaborated on a variety of projects. Teatown has grown from 190 acres in 1963 to nearly 850 acres. Our growth was only possible because of community involvement.

More than 18,000 people hike or walk on Teatown Lake Reservation's 15 miles of trails each year. Our educational programs serviced 18,000 people last year. Our concentration this year is on Northern Westchester and Putnam Valley. Mr. Koontz spoke about how Teatown is working to protect open space. Last year, Teatown Lake Reservation formed a new partnership with the New Jersey-New York Trail Conference to launch the Hudson Hills and Highlands Community Trail Program. The partnership employs a full time regional trails coordinator. He trains and organizes volunteers to build and maintain trails in Putnam and Westchester Counties. Teatown Lake Reservation's Environmental Leaders Learning Alliance, is a regional group made up of town-appointed environmental leaders. Several members of the Yorktown's Conservation Board are also members of the Learning Alliance which includes 120 people representing 34 towns and villages. On October 6, 2010, we will be opening a new trail that runs from Kitchawan Park to Teatown Lake Reservation. Mr. Koontz also spoke about property which is directly across the street which Teatown is trying to purchase the 59 acres as open space. So far, they have raised 70% of the funds needed.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel announced the following events, the September 11th Commemorative Ceremony will be held at 11:00AM at the monument in Shrub Oak. She reminded residents of the Town's Heating Oil Co-op which sells heating oil to residents at a reduce rate. Supervisor Siegel also responded to a question raised by Mr. Howard Frank at the August 3, 2010 Town Board Meeting regarding rebates for the installation of heating systems. The Supervisor explained that the Town Engineer and the consultant on the project spoke to representatives of Con Edison and were told that the Town of Yorktown does not meet the eligibility requirements of the rebate program. The Auction of 11 town owned parcels will take place on October 11th in Town Hall. There will be a pre-bidder seminar on October 9, 2010. Two houses and two possible buildable lots are among the properties that will be sold. There is an opening on the Tree Advisory Commission. Supervisor Siegel also spoke about the Town's new website.

DURING THE TOWN COUNCIL'S REPORT TO THE TOWN, Councilman Bianco handed members of the Board a chart entitled "Tax Rate Worksheet", a copy of which is on file in the Town Clerk's Office. School Tax Bills have been mailed to the property owners in the Town of Yorktown. Every property owner should have noticed a decrease in their school taxes over last year. He spoke about the various reasons for the reduction.

Councilman Patel spoke about a funeral he recently attended for a gentleman named Steve Schmidt who was a 1965 graduate of Yorktown High School.

Supervisor Siegel stated that next week's work session is Wednesday because the Primary Election is Tuesday. Proposals concerning Granite Knolls will be discussed at that meeting.

COURTESY OF THE FLOOR

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

Mr. Bill Blake asked the Town Board to place money in the next budget to renovate the upper tennis courts at Downing Park.

Mrs. Daryla Lindholm thanked Supervisor Siegel for her recent comments concerning the Yorktown Dog Park. She spoke about the fact that she takes her dog to a nearby community's dog park. The fee is \$28.00.

Mr. Alan Lindholm explained that the dog park is next to a playground and no problems have been reported.

Mr. Steve Gardner spoke an incident he observed on the North County Trailway as it crosses Route 35 at Quaker Church Road in the Town of Somers. A father and his two sons rode their bikes across this roadway. The youngest son was the last to cross and he had problems making it to the other side of the road. Mr. Gardner stated that the young child could have been seriously hurt because of the volume of traffic on the road.

Mr. Howard Frank spoke about how he got involved with the new boiler project at the John C. Hart Library. He is still concerned that the same equipment that is being put in New York City apartment buildings is being put in the Library. Mr. Frank questioned why the apartment building owners who install the same equipment get rebates and Yorktown gets nothing. He suggested that the Town appeal Con Ed's decision to the Public Service Commission.

Mrs. Kathy Bruckner a resident of Blinn Road spoke about her recent visit to the Department of Environmental Conservation. She wondered if any of the items that people are placing into the recycling containers can be used again. Mrs. Bruckner further stated that as a 12 year veteran of the Croton School Board, one of the main reasons why school tax bills have gone down is because of the great work of the local school boards.

Mr. Don Peters thanked Teatown for hosting tonight's meeting. He further stated that the Town should do whatever it can to help Teatown purchase of the 59 acres across the street. He further reminded the Town Board that the Grange Fair is this coming weekend. Mr. Peters stated that he noticed that on next week's work session agenda, the Town Board will be going into Executive Session to discuss insurance brokers. Last year, when the Town Board did this, Supervisor Siegel who was then a candidate for office stated that this was a violation of the Open Meetings Law. Mr. Peters further stated that there appears to be two sets of rules. Where is the transparency?

Mr. John Kincart stated that he hopes everyone understands what open space is. Once property is purchased by the Town and made open space, it comes off the tax rolls and all of us who own property in Yorktown pick up a portion of the tax formerly paid by that property. He also wondered if any of the other town-owned buildings could be converted to gas and if so, maybe we might be eligible for the rebates from Con Edison.

Mr. Jason Wilson told the Town Board that he likes the Town's new website. It is easier to navigate. He also wanted to know if the Open Meetings Law that former Supervisor Peters spoke about changed. Is this why the Town Board can go into executive session?

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the comments by stating:

Regarding tennis courts, the Town has compiled a list of capital improvements that need to be made to our parks and recreational facilities. The total cost of this package, which includes the tennis courts is \$1 million.

Regarding the Yorktown Dog Park, the Town is interested in creating a dog park, but New York State has been slow at responding to our request concerning the removal of asbestos. They told us that our proposal to remove the asbestos ourselves is a novel idea. The Yorktown Fire Chief is putting together a plan to show New York State their plans for a control burn of the on-site buildings.

Regarding safety concerns along the North County Trailway, Supervisor Siegel thanked Mr. Gardner for bringing this condition to the Town Board's attention.

Regarding Con Edison, Supervisor Siegel told Mr. Frank that the Board will see if we can do anything concerning their decision to deny the Town a rebate on the installation of the new boiler at the John C. Hart Library.

Regarding recycling, Supervisor Siegel stated that she would bring this matter to the attention of Kim Angliss, an employee in the Department of Environmental Conservation.

Regarding the Board's proposed discussion of insurance agents in Executive Session, Supervisor Siegel read the following quote from the Open Meetings Law which permits the Board to go into closed session to discuss "(f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation." Supervisor Siegel made it clear that she is committed to open and transparent government. The Town Board will be selecting a broker and then assigning that company a market.

Regarding the comment on open space, Supervisor Siegel thanked Mr. Kincart for expressing his views, but said there are other factors that must also be taken into account.

Councilman Bianco also responded to comments:

Regarding the decrease in school taxes, he thanked Mrs. Bruckner for her comments concerning the role of school boards who he agreed have worked diligently at reducing their budgets.

Councilman Patel also responded to comments:

Regarding the tennis courts at Downing Park, he stated that handicapped access is also needed at these courts.

PUBLIC HEARING

PROPOSED LOCAL LAW REPEALING AND RE-ENACTING CHAPTER 270 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "TREES" AND VARIOUS SECTIONS OF THE CODE OF THE TOWN OF YORKTOWN INCLUDING CHAPTER 10, CHAPTER 165, CHAPTER 178 AND CHAPTER 195

Supervisor Siegel called to order the public hearing to consider repealing and reenacting Chapter 270 and sections of Chapters 10, 165, 178 and 195 of the Code of the Town of Yorktown relating to trees in order to make them consistent with a reenacted Chapter 270 entitled "TREES – COMMUNITY FOREST PRESERVATION" for the preservation, protection and maintenance of the town's community forest. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel stated that before she opens the floor to comments concerning this proposal, she wanted to give the authors, Mrs. Ann Kutter and Mrs. Linda Miller time to speak about the law and the responses that the Town has already received and incorporated into a new version of the law.

Mrs. Ann Kutter and Mrs. Linda Miller read from prepared remarks (a copy of which is on file in the proposed local law folder). Mrs. Kutter began her discussion by explaining why this law was important to the Town. Mrs. Miller gave an overview of the regulations associated with the proposal.

Ms. Jennie Sunshine stated that she supported this legislation which she thinks provides the balance between the environment and property owners' rights. This legislation is especially needed for smaller lots. It also provides educations to newcomers.

Mr. James Hannah, stated that he has lived in Yorktown for 36 years and he likes trees. He's concerned because all he sees today are lots of rules, permits and costs. He asked, why do we need this law? Yorktown has a lush forest. As you go through the site plan process, they look at trees very closely. Trees in the wetlands are already protected. Mr. Hannah ended his discussion by stating that the town appears to be looking at something out of its purview. There is no basis for this law. It imposes substantial burdens on residents and town employees. He suggested that the proposal be rejected.

Mr. Howard Frank stated that this is an excellent law. But, he said the Highway Superintendent should have some authority in this law. Many towns and cities have tree farms. An excellent site for a Yorktown tree farm would be at the Greenwood Street Sewer Plant.

Mr. Earl Breckner, a resident of Blinn Road stated that he has many questions about this proposal. He is concerned about the rights of property owners. There are references to fees, but the proposal doesn't specify what the fees will be. Mr. Breckner stated that the specifics such as fees must be dealt with before you adopt the law. He also wanted to know how this proposal would affect the community financially. What kind of staffing will be required? On a four acre parcel where the owner has many trees, they might be able to take them down without even getting a permit. But, the smaller property owners would have to get a permit if they removed three trees? How is this fair? He considers this permit fee a tax.

Supervisor Siegel stated that the permit would cost maybe \$15.

Ms. Elena Ciuffetelli handed the Town Board copies of the Constitution and Bill of Rights. This proposed legislation violates both. You cannot give yourselves jurisdiction over private property. She ended by stating that she could not find another jurisdiction with a similar law. Ms. Ciuffetelli further stated that she considers this a taking of private property. This proposal flies in the face of the 1st, 4th and 5th Amendments. The Town should expect more lawsuits.

Mr. John Kincart stated that he likes trees. He spoke about a recent storm where one tree fell down and took six others with it. He doesn't like it when a property owner's rights are being infringed upon. He doesn't want trees on his property as part of the community forest. Will the community help pay my mortgage or taxes? Mr. Kincart asked the Board if they knew how much this law would cost developers of major and minor subdivisions. He suggested that if the Town wants to regulate private lands, then the Town should buy them.

Mr. Dale Salzman stated that this proposal was a tremendously exciting idea. It's an idea whose time has come. Trees are an essential part of a healthy community.

Former Town Supervisor Linda Cooper thanked Mrs. Kutter and Mrs. Miller for co-authoring this proposal. She stated that she has seen community forest legislation in other communities. While she is excited about the law, she is concerned about some of the specifics. The definition of landscape property may have to be expanded. Enforcement is another concern. Is the Tree Advisory Board different? She thinks the financial costs should be examined. An unintentional consequence is that this law could be seen as micro-managing.

Mr. Peter Cooper stated that he had some concerns when he first read the legislation. He asked a series of questions including does the proposal take bio-diversity into account and does it create a new Tree Commission? There must be some further clarification to the law before it is adopted.

Supervisor Siegel agreed that there needed to be some housekeeping changes to the law.

Mr. Josh Nelson stated that this law causes many concerns. Right now it takes five weeks to get a building permit. How long will it take to get a permit? The law will require more manpower on the part of the Town. Did you factor in that cost?

Mr. Art Bartosch, a resident of Blinn Road stated that he is the owner of three properties in Yorktown. If you look around and embrace what it is you are attempting to do, what it amounts to is merely another fee. He believes there are ways to regulate trees, but this is not one of them. Why rush? What about administration fees? This is a "feel good" law.

Mr. Steve Gardner stated that he has lived in Yorktown for 50 years. He agreed that trees at times present a safety factor. What people do with trees on private property should be up to the property owner. Mr. Gardner stated that he does like the aspect of a community forest in town. But, it should be on town-owned land. What we need to protect our trees are laws that are already in place.

Ms. Janice Turner stated that she supports the proposal. She spoke about an experience in Mohansic Park where a man took all of the peaches off the tree and left her none.

Mr. Vladimir Artymshyn, a resident of Smith Road stated that there are more trees in Yorktown today than there were fifty years ago. Landowners take care of their property. He disagrees with laws that infringe upon his rights. Over the years, he has planted more than thirty trees on his property. The Town should do a better job of taking care of the property it already owns.

Mr. Walt Daniels, member of the Conservation Board and the Open Space Commission stated that he looked at numerous iterations of the proposed law. He explained that people should understand having to obtain a permit only comes in when someone wants to do something extreme to their land. Mr. Daniels added that he and all of the Committees that he sits on supports this proposal.

Supervisor Siegel stated that the Board has received comments from the following: Dr. Podolak, Chairman of the Yorktown Utilities Oversight Committee, Mr. John Schroeder, Mr. Jim Rosenthal, the New York City Department of Environmental Protection, the Planning Board, Patty Peckham who strongly supports the proposal, Mr. William Bronner who opposes the law and Mr. Jeff Thompson who has questions concerning this proposal.

Mr. John Kincart stated that he would be remised if he did not thank Mrs. Kutter and Mrs. Miller for the time they have spent on this proposal.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion made by Councilman Bianco, seconded by Councilman Martorano, the hearing was adjourned. Comments will be received until September 14, 2010.

ADVERTISE RESCHEDULE TOWN BOARD WORK SESSION FROM TUESDAY, SEPTEMBER 14, 2010 TO WEDNESDAY, SEPTEMBER 15, 2010
RESOLUTION #398

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

RESOLVED, that the regular meeting of the Town Board to be held on Tuesday, September 14, 2010 at 7:00 P.M. has been rescheduled for Wednesday, September 15, 2010,

at 6:30 P.M. The meeting will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

ADVERTISE PROPOSED LOCAL LAW REPEALING CHAPTER 168 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "FEES", AMENDING VARIOUS OTHER SECTIONS OF THE CODE OF THE TOWN OF YORKTOWN RELATING TO LAND DEVELOPMENT APPLICATION FEES ANF PERMIT FEES AND RE-ENACTING A CHAPTER 168 ENTITLED "FEES"
RESOLUTION #399

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

NOTICE IS HEREBY GIVEN that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 21st day of September, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to consider repealing Chapter 168 of the Code of the Town of Yorktown entitled "FEES", amending various other Sections of the Code of the Town of Yorktown relating to Land Development application fees and permit fees and re-enacting a Chapter 168 entitled "Master Fee Law".

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

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.

The Proposed Local Law may also be viewed on the Town Website @ www.yorktownny.org

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

RELEASE ESCROW DEPOSIT
ACCOUNT #1090
RESOLUTION #400

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1090	\$350.00	2659 Loretta St.	Homework Construction Corp. 1592 Sylvan Rd. Mohegan Lake, NY

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

RELEASE ESCROW DEPOSIT
ACCOUNT #1122
RESOLUTION #401

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1122	\$350.00	1693 Horton Rd.	Homework Construction Corp. 1592 Sylvan Rd. Mohegan Lake, NY

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

AMEND RESOLUTION FOR HIRING HAROFF AUCTION & REALTY, INC. TO
CONDUCT AN AUCTION OF TOWN OWNED PROPERTY ON SEPTEMBER 29, 2010
RESOLUTION #402

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

RESOLVED, that the Resolution adopted on August 31, 2010 listing properties to be auctioned by Haroff Auction & Realty on September 29, 2010 is hereby amended to set forth the correct address for tax parcel 37.09-1-83 as Crompond Road.

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

APPROVE CONFERENCE ATTENDANCE
SUPERINTEDENT OF PARKS AND RECREATION JENNIFER FAVA
RESOLUTION #403

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

RESOLVED, that Jennifer Fava, Superintendent of Parks & Recreation, is authorized to attend the annual conference of the National Recreation and Park Association Congress & Exposition in Minneapolis, Minnesota from October 25 – 29, 2010 on town time. Ms. Fava will be responsible for paying all expenses associated with her attendance at the conference.

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

AUTHORIZE SUPERVISOR TO SIGN
EASEMENT AGREEMENT WITH NYSEG TO INSTALL ELECTRIC EQUIPMENT ON
TOWN PROPERTY – (1750 DARBY STREET)
RESOLUTION #404

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

RESOLVED, that the Town Board authorizes the Supervisor to execute and deliver a certain Easement to New York State Electric & Gas Company (NYSEG) granting NYSEG the right to install a transformer to serve Crown Castle cell phone tower project on Town property located at Darby Street, as shown on the engineering drawings submitted by NYSEG to the Town Attorney's Office, dated June 14, 2010, and more fully described in the easement being presented. This resolution is subject to permissive referendum and shall be posted and advertised accordingly.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye

Resolution adopted.

DISCUSSION

Supervisor Siegel explained that during last week's work session, the Town Board had a discussion with the Police Chief. In the end, they agreed that the Chief could canvass the list of potential police officer candidates. When chosen, this police officer will work as a dispatcher. The next Police Academy training will not begin until January. Over the weekend, she spoke to the Town Comptroller who explained that she was notified by the State Comptroller of a \$520,000 increase in pension costs. Our Medical Insurer has notified the Town that the increase in next year's premium could be as much as \$150,000. The two increases amount to a budget hike of approximately 4.8%. The Supervisor concluded that she is asking the Town Board to reconsider last week's decision.

Councilman Martorano stated that he was satisfied with what the Chief told them last week. The Town Board is charged with protecting the public above anything else. He will not change his decision.

Councilman Murphy stated that he believes the Town Board worked out a good deal with Chief McMahon. He agreed with Councilman Martorano, that he would do nothing to compromise public safety.

Councilman Patel echoed the similar comments. He will not compromise the public's safety.

Councilman Bianco stated that he agreed with Supervisor Siegel. But, he says that he never votes for new hires right before a budget is to be submitted. He questioned why this issue was being brought up tonight. We knew about these increases before last week's meeting, why bring up the issue again.

Supervisor Siegel stated that what precipitated this discussion was the fact that the new hire will not be working in the streets as a Police Officer, but will be replacing a dispatcher in the police department who will be out on leave for three months. We would not be compromising public safety.

Chief McMahon explained that if he filled this position with our current police officers the overtime costs would be far greater than the cost of a new hire. He also reminded the Board that this position was already calculated into this year's budget already.

Supervisor Siegel stated that the former Town Board under budgeted many items in the 2010 Budget.

Last week's decision remains unchanged.

REFUND DUPLICATE TAX PAYMENTS

ACCOUNT # 1007010, 2245500, 3559550, 1172500

RESOLUTION #405

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:

<u>Tax & Year</u>	<u>Property</u>	<u>Amount</u>	<u>Refund to:</u>
2009 Sch 21	16.13-2-69	\$4,770.70	BAC Tax Services Corp. P.O. Box 10211 Van Nuys, CA 91410
2009 Sch 21	17.05-1-17	\$3,390.94	Barry & Deborah Coleman 3601 Gomer Street Yorktown Heights, NY 10598

2009 Sch 22	27.14-1-9	\$2,511.34	Wells Fargo R.E. Tax Service One Home Campus MACX 2502-011 Des Moines, IA 50328
2009 Sch 21	16.10-3-35	\$2,806.29	Edward & Catherine Salch 3542 Frost Road Shrub Oak, NY 10588

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

MONTHLY REPORTS

Receiver of Taxes
Building Department

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss for a discussion related to their Request for Proposals concerning insurance brokers.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown