

Special meeting held by the Town Board,
Town of Yorktown on November 4, 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

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.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel spoke about several issues including;

a. The proposed construction of a new building by the Yorktown Fire District on Route 134. The Yorktown Fire District and the Mohegan Lake Fire District are completely independent from the Town. The cost for a typical homeowner within the Yorktown Fire District coverage area is \$141.13. The cost for a typical homeowner within the Mohegan Lake Fire District is \$484.32.

b. The Supervisor's Tentative Budget is on-line. The Town Board will be meeting with department heads on November 12th regarding their budgets for next year. The Board will meet on Saturday, November 13th to discuss any changes and adopt a preliminary budget. The Public Hearing for the 2011 Budget is December 2, 2010.

c. Westchester County will be conducting a county wide aerial and street photography project to update their current data base. The street photography will be done by company called Facet.

DURING THE TOWN COUNCIL'S REPORT TO THE TOWN

Councilman Bianco spoke about a meeting held by Westchester County's Industrial Development Agency at IBM. The subject was tax abatements. IBM would like the New York State and Westchester County to forego \$1.7 million in sales tax. IBM's PILOT with the Town of Yorktown ended in 2009.

Councilman Murphy gave an update on the progress relating to constructing practice fields on the Granite Knoll property that the Town of Yorktown recently purchased. The Councilman stated that he met with the heads of the Yorktown Athletic Committee and the Shrub Oak Athletic Committee. He further stated that the Town Board had referred this to the Conservation Board and Recreation Commission. The Conservation Board met last night and discussed the project. The Recreation Commission is meeting tonight.

Councilman Patel spoke about IBM stating that the technological advances that have come out of the Thomas Watson Center in the Town of Yorktown are unmatched. Three winners of the Nobel Peace Prize have worked at the Watson Center.

Supervisor Siegel stated that Westchester County's Industrial Development Agency would be responsible for granting tax abatements to IBM. Once that happens, then they can ask that the Town Board and School Districts for a PILOT (Payment in Lieu of Taxes).

COURTESY OF THE FLOOR

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

Mr. Dennis Tate, stated that he is a former member of the Cable Advisory Committee which he understands that the Town would like to abolish, a move that he is opposed to. He feels the disbanding of this voluntary board is unjustified.

Mr. Francis McVetty, also a former member of the Cable Advisory Committee stated that he was a technician at Fox News for twenty four years. There is no reason to disband the Cable Committee. There are five people on the Board, but there is only one who makes decisions. He believes the Cable Committee should have had more involvement with the Verizon and Cablevision contracts. The committee should have also had more meetings.

Mr. Mike Burns stated that he was told that if he switched to Verizon, he would save money, unfortunately, that didn't happen. He also wanted the Town Board to know that he wanted to keep IBM as his neighbor. But, he stated that if they got a tax abatement, he wanted one too. Mr. Burns also spoke about a courtesy meeting that Councilman Bianco had with the members of the Cable Advisory Committee. He stated that the Councilman said that they had negotiated a new contract with Cablevision and that the Committee was going to be disbanded. It was clear that the Town Board did not need our input.

Mr. Steve Gardner stated that the Cable Committee should be kept in place. He is in favor of having the practice fields at Granite Knolls, but he would like the athletic committees to contribute to the maintenance of those fields.

Mr. Nick DiTomasso stated that he has yet to come upon a Town Board that fights for its taxpayers. He questioned the members of the Town Board asking what have you done for the taxpayers.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some of the comments by stating:

She stated that she would like to reserve comment on the Cable Committee issue. The Town Board expects to put forth a resolution concerning the committee after the public hearing on the new cable contract. Supervisor Siegel told Mr. DiTomasso that she needed specifics regarding what he thought the Town Board was not doing for tax payers.

Councilman Bianco explained to Mr. DiTomasso, that he went to the IBM hearing to oppose the tax abatement. He further stated that he doesn't believe IBM lived up to the agreement they made before a previous Town Board approved a PILOT. Councilman Bianco stated that he did convene a meeting of the Cable Committee. He has since found out that although the terms of the majority of the members of the Cable Committee have expired; they are still members until the Town Board appoints new members of disbands the board.

Councilman Murphy stated that the athletic clubs have told him that they would be more than happy to take over the maintenance of the fields.

CONVENE PUBLIC HEARING

PROPOSED FRANCHISE RENEWAL - CABLEVISION

Supervisor Siegel convened the public hearing to consider the renewal of Cablevision Systems Westchester Corporation's franchise in the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Town Attorney Jeannette Koster explained that the Verizon contract, under PSC rules was the basis for negotiating this new contract. We will have equivalent PEG channels and the Town will receive \$150,000 over a seven year period.

Mr. Robert Hoch, Director of Government Relations stated that the contract was based closely on the Verizon agreement. The service area is the same as Verizon's. The number of free cable and video drops are the same. We will continue to have free high speed internet connections at the Town Hall and Town Court. The PEG grant is \$150,000 with an up front payment of \$35,000. The Town will continue to receive 5% of the gross revenue. We will give the Town of Yorktown a \$5,000 performance bond. Cablevision currently has three access studios. The cost of the studio in Yorktown is approximately \$250,000 per year or \$3.4 million over the next 15 years. This would not be in keeping with the newly competitive nature of cable contracts. Mr. Hoch further stated that he doesn't know what the future of the studio in Yorktown is. If it were to close, then we would have people go to our studio in Peekskill which is fourteen minutes away.

Councilman Martorano stated that we have had a long standing relationship with Cablevision. Many subscribers in Yorktown rely on having that studio in Town. He further stated that he believes this is an integral part of the contract. He suggested that perhaps Cablevision is waiting for the Town to approve the contract and then a decision will be made on the fate of the studio.

Mr. Hoch stated that he would not comment on the future of the studio.

Councilman Martorano asked how many other towns use the studio?

Mr. Hoch stated that he didn't know.

Councilman Martorano asked if Cablevision would sign an addendum to the contract stating that they would keep the studio open.

Councilman Patel suggested that having a studio may not be necessary due to the fact that everyone has a camera and streams the video on the internet.

Councilman Murphy asked if they could add an additional drop at the proposed fire house.

Mr. Dennis Tate stated that he tried to meet with the Town Attorney to discuss this contract, but never received a call back. He further stated that the Cable Committee did not even discuss the Verizon contract which he states was a mistake. Mr. Tate spoke about Chuck Banks, Yorktown's former Town Attorney who successfully negotiated a ten year contract with Cablevision. Mr. Banks relied upon the expertise of the Cable Advisory Committee members. Mr. Tate spoke about his fifteen years of experience using the public access studios of Cablevision. He further stated that it is his understanding that Cablevision plans to combine their facilities in Yorktown and Peekskill and then rent out space in the BJ's Shopping Center. Mr. Tate stated that he spoke to a friend who works at the PSC who told him that in having a level playing field, there is nothing etched in stone. There is nothing that requires Cablevision give up their public access studios. He also questioned why the Town did not include a discount fee for senior citizens in the contract. Seniors living at Jefferson Village get discounts. Mr. Tate also believes there should be a penalty clause in the contract.

Mr. Edward Ciffone stated that the Town has to reappoint the Cable Advisory Committee. He questioned why the Town would agree to a 15 year contract. Most important, he stated that the Town needs to get everything now. You cannot allow them to get rid of the studio.

Mr. Jim Van Develde, from the Lakeland School District and Mr. Anthony D'Alessandro from the Yorktown School District both thanked the Town Board for negotiating a contract that will give them separate channels.

Mr. Paul Moskowitz spoke about a recent Cablevision outage where he was told that he would not receive a refund because he did not report the incident according to their rules. Mr. Moskowitz stated that the contract should have mandatory refund requirements.

Mr. Francis McVetty stated that it was his opinion that the Town was in a corner because Verizon low balled the Town in the contract that was negotiated two years ago. He believes that eight weeks from now, there will be not be a public access studio in the Town of Yorktown. Mr. McVetty ended his discussion by requesting that the Town Board listen to its advisory committees.

Mr. Nick DiTomasso also asked the Town Board to listen to its Advisory Committees.

Mr. Mike Burns stated that the Town did not negotiate with Verizon, it conceded. He asked that the Board not vote on the contract tonight. He also requested that the Town Board make an effort to get information on what Cablevision plans to do with its public access studios.

Mr. Bill Rubin, Co-Chair of the Cable Advisory Committee stated that the Verizon contract and this Cablevision contract were negotiated in the best interest of the residents of the Town of Yorktown. He further stated that both agreements had to be identical. The old agreement made no reference to having an access studio in the Town of Yorktown. He encouraged the Town Board to approve the contract.

Mr. Frank McVetty wanted to know how much of the money that the Town received from Verizon was spent on the new equipment proposed for the Town Board Room. He also wanted to know who would operate the equipment. If no money has been spent, will the money to upgrade the Town Board Room come from the PEG grant? Who will maintain the new equipment? What about past practice? In the past, Cablevision provided the Town with equipment and they maintained that equipment.

Councilman Martorano stated that past practices do not apply to contracts like this one.

Mr. Dennis Tate asked the Town Board not approve the contract tonight. He also stated that there should be a clause in the contract that permits customers to be reimbursed for outages.

Mr. Howard Frank called in a question. How come COMCAST was not permitted to bid on this contract?

Mr. Hoch responded by stating that much of what happened in Yorktown preceded his arrival at Cablevision. Mr. Tate's interpretation of the "level playing field" clause is incorrect. The agreements do not have to look alike, but they must be competitive. He will convey the Town Board's sentiments regarding the Fox Channel suspension to the company. Rate regulations are preempted by federal regulations. The studio in Peekskill is capable of providing service to all of the users of our studio in Yorktown.

Mr. Steve Gardner stated that the Yorktown Cable Advisory Committee is invaluable.

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

Councilman Bianco stated that seniors in Jefferson Village get discounts because condominiums are permitted to bargain with the cable company. He also stated that so far, the Town has only received one PEG payment from Verizon. There is a penalty clause in the contract. Councilman Bianco also stated that the Yorktown School District and Lakeland School District have always been treated the same. He further stated that some may criticize the Verizon contract, but the landscape has changed. We are operating under new laws.

Councilman Martorano stated that he has learned a lot tonight. Some of the issues that have been brought up explain why we need to have a Cable Committee. He would like to see the contract voted down and then let the Cable Committee work with Cablevision on a new contract.

Councilman Murphy stated that he was no in office when the Verizon contract was negotiated. He has learned quite a few things tonight. I have a lot of issues with the studio. He wanted to know how much longer Cablevision has on its lease in Yorktown. Councilman Murphy also stated that he does believe the studio is valuable.

Mr. Hoch didn't know how much longer Cablevision had on its lease. But, he stated that should we decide not to continue the studio, we could pay to break the lease.

Councilman Patel stated that this has been a very informative discussion from the committee volunteers.

Supervisor Siegel stated that as much as she likes and values the studio, it is not competitive with the Verizon contract, there is no level playing field.

Councilman Bianco stated that he would like to postpone the decision.

Supervisor Siegel stated that she would like to vote on the contract tonight.

Councilman Bianco seconded
Siegel, Bianco Voting Aye
Martorano, Murphy, Patel Voting Nay

Supervisor Siegel stated that this issue will go on next week's work session.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW SKATEBOARDS, IN-LINE SKATES, ROLLER SKATES
AND SCOOTERS

Supervisor Siegel convened the public hearing to adopt a new Chapter 243 of the Code of the Town of Yorktown entitled "SKATEBOARDS, IN-LINE SKATES, ROLLER SKATES AND SCOOTERS" relating to regulations governing the use of these items within the Town of Yorktown. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel explained that this law prohibits people from using any of these recreational devices in a careless manner. We are concerned with the past destruction of the Gazebo.

Councilman Martorano asked the Town Attorney to remove Patriot Skate Park as an exception to this law.

Mr. Fred Gulitz asked the Town Board if the word "reckless" is subjective. If it is, how will it be enforced.

Councilman Martorano stated that the word could be considered subjective, but the law will be an enforcement tool for the police department and used for people who damage the Town's property. It would be up to the courts' interpretation of the word.

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

LOCAL LAW #12 OF 2010
RESOLUTION #506

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

WHEREAS, a public hearing was held on the 4th day of November, 2010 pursuant to notice duly published as required by law to adopt a new Chapter 243 of the Code of the Town of Yorktown entitled "SKATEBOARDS, IN-LINE SKATES, ROLLER SKATES AND SCOOTERS" relating to regulations governing the use of these items within the Town of Yorktown, now therefore be it

RESOLVED that Local Law #12/2010, 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 #12/2010 was thereupon declared adopted.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 260 ENTITLED "TAXATION" BY
AMENDING ARTICLE IV ENTITLED "INSTALLMENT AGREEMENT FOR
DELINQUENT REAL PROPERTY TAXES"

Supervisor Siegel convened the public hearing to amend Chapter 260 of the Code of the Town of Yorktown entitled "Taxation," by amending Article IV entitled "Installment Agreement for Delinquent Real Property Taxes," to conform Town Code to Section 1184 of the New York State Real Property Tax Law. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel explained that there was a typo in the local law. The New York State statute that permits the Town to offer installment payments permits a 5% late charge, not 15% which we currently have on the books.

Mr. Steve Gardner explained that he was unaware of this law. He wanted to know how much time a property owner had before the Town began foreclosure proceedings. He also wanted to know how many people were behind in their taxes?

Councilman Martorano stated that there were some on the Town Board who wanted to eliminate this law, but the majority rejected that request.

Town Attorney Koster explained that only people with more than two years worth of tax liens are notified about this law.

Mr. Gardner suggested that the community be apprised of this law by having a notice placed in the same envelope as the tax bill.

Mr. Edward Ciffone stated that the law sounds fine, but the problem is that the Town failed its objective when it came to Granite Knolls. The Town could have foreclosed on the property rather than spend the \$2.7 million.

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

LOCAL LAW #13 OF 2010
AMENDING CHAPTER 260 ENTITLED "TAXATION" BY AMENDING ARTICLE IV
ENTITLED "INSTALLMENT AGREEMENT FOR DELINQUENT REAL PROPERTY
TAXES"
RESOLUTION #507

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

WHEREAS, a public hearing was held on the 4th day of November, 2010 pursuant to notice duly published as required by law to amend Chapter 260 of the Code of the Town of Yorktown entitled "Taxation," by amending Article IV entitled "Installment Agreement for Delinquent Real Property Taxes," to conform Town Code to Section 1184 of the New York State Real Property Tax Law, now therefore be it

RESOLVED that Local Law #13/2010, 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 #13/2010 was thereupon declared adopted.

POLICY STATEMENT
IMPLEMENTATION OF INSTALLMENT AGREEMENTS FOR DELINQUENT TAXES
RESOLUTION #508

Upon motion made by Councilman Martorano, seconded by Councilman Bianco

WHEREAS, the Town Code permits the Receiver of Taxes to enter into installment payment agreements with eligible property owners for the payment of delinquent taxes,

BE IT RESOLVED, that the Town Board hereby adopts the following policy to govern the administration of such agreements:

The Receiver of Taxes is directed to track compliance with installment payment agreements for delinquent taxes, apply late fees and charge additional interest as set forth in such agreements, and send warning a letter to any property owner who has missed a payment entirely, or who has made payments more than fifteen days late more than twice in a three-month period, or who has missed a payment due on current taxes.

The Receiver of Taxes will notify the Legal Department if a property owner subject to an installment payment agreement for delinquent taxes has missed an installment payment entirely, or has in a period of three months made two or more installment payments that were late by more than fifteen days each time, or is more than 30 days late with a payment due on current taxes.

The Legal Department will discuss the matter with the Receiver of Taxes and notify the Supervisor. The Supervisor shall determine whether to treat such events as a default under the installment payment agreement and if so, shall direct the Town Attorney to take appropriate enforcement action.

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

RELEASE EROSION CONTROL BOND

#E-052-09

RESOLUTION #509

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

WHEREAS, Diane Dreier as applicant for Lee & Riitta Pollock, heretofore filed an Erosion Control Bond in the amount of \$300.00, which was deposited into the T33 Account on January 15, 2010, covering Excavation Permit #052-09, for work performed at the Pollock's Pines Bridge Road 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 erosion 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. Diane Dreier, 2979 Hyatt Street, Yorktown Heights, NY 10598.

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

AUTHORIZE SUPERVISOR TO SIGN

CONTRACT WITH COLETTE RODGERS TO CONTINUE WORKING ON THE SECTION 8 PROGRAM - AFTER OCTOBER 29, 2010

RESOLUTION #510

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Colette Rodgers for administrative and management services for the Section 8 office from October 30 through November 30, 2010. The contract amount is \$100.00 per hour not to exceed \$4,800.00.

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

AUTHORIZE SUPERVISOR TO SIGN

AGREEMENT WITH MICHAEL DUBOVSKY FOR ENVIRONMENTAL INSPECTOR SERVICES

RESOLUTION #511

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

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into a renewal contract with Michael Dubovsky for Environmental Code Inspector services. The term of the renewal agreement shall be retroactive to October 16, 2010 and end October 15, 2011, and compensation for said services shall be payable in bi-weekly installments of Seven Hundred Ninety-Seven Dollars and Fifteen Cents (\$797.15).

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH RYAN LAW GROUP, LLC FOR LEGAL SERVICES AS SPECIAL SEQR COUNSEL TO THE PLANNING BOARD IN CONNECTION WITH COSTCO WHOLESALE RETAIL PROJECT
RESOLUTION #512

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Ryan Law Group LLC to provide legal services as special SEQR counsel to the Planning Board in connection with the Costco Wholesale Club retail project site plan. The contract amount is \$275.00 per hour plus disbursements.

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

AUTHORIZE SUPERVISOR TO SIGN SETTLEMENT AGREEMENT IN THE LITIGATION GULITZ VS. ERIC DIBARTOLO ET. AL:
RESOLUTION #513

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

RESOLVED, the Town Board approves the Settlement Agreement and Release among Kyle Gulitz, Eric DiBartolo and the Town, in the matter of *Kyle Gulitz v. Eric DeBartolo, et al.* (08-cv-2388 (CS)) and hereby authorizes the Supervisor to execute the Settlement Agreement and Release on behalf of the town.

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

AUTHORIZE SUPERVISOR TO SIGN CORBY ASSOCIATES IN THE AMOUNT OF \$2,635.00 FOR INSTALLATION OF 2 BASKETBALL BACKBOARDS LOCATED IN THE GYM OF THE YCCC
RESOLUTION #514

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

Resolved, that the Supervisor is authorized to sign a contract with Corby Associates in the amount of \$2,635.00 for the installation of two basketball backboards to be located within the gym of the Yorktown Community Cultural Center.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye

UPDATE MASTER FEE SCHEDULE TO INCORPORATE NEW FEES RELATING TO STORMWATER AND EROSION AND SEDIMENT CONTROL PERMITS
RESOLUTION #515

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

Resolved that the Town Board adopts the attached revised Master Fee Schedule dated November 4, 2010 that incorporates new fees for Stormwater Prevention Plans, and the inspection of stormwater management systems both during and after construction that were incorporated into the record of the October 5, 2010 public hearing on the proposed new Chapter 248 of the Code of the Town of Yorktown.

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

JOIN OTHER NORTHERN WESTCHESTER AND PUTNAM COUNTY COMMUNITIES, AND PUTNAM COUNTY IN A LEGAL DEFENSE FUND TO CHALLENGE PENDING RENEWAL OF THE NYC WATER SUPPLY PERMIT RESOLUTION #516

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

Whereas, the Town of Yorktown is located in the Croton Watershed and as such is subject to heightened phosphorous removal requirements in its MS4 permit, and

Whereas the purpose of the heightened MS4 permit requirements is to protect New York City's water supply, and

Whereas compliance with the heightened MS4 requirements places a severe financial burden on the taxpayers of the Town of Yorktown, and

Whereas the Town of Yorktown has joined with other municipalities in the Croton Watershed to form the Croton Kensico Watershed Inter-municipal Coalition (CKWIC) to work for more rationale and cost effective MS4 requirements and/or additional outside funding from New York City, New York State and other sources to fund the retrofit measures required to comply with the MS4 permit, and

Whereas the CKWIC communities have decided that it is in their collective best interest to join in a regional Legal Defense Fund with similarly affected municipalities in Putnam County, as well as Putnam County, to retain legal counsel to prepare and submit comments during the public hearing process on New York City DEP's request to renew its water supply permit and to negotiate with the DEP and the DEC on various aspects of the MS4 permit,

Now therefore be it resolved that the Town Board authorizes the payment of up to \$5,000 for the aforementioned regional Legal Defense Fund.

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

LETTER CABLEVISION REQUESTING REFUND FOR SUBSCRIBERS RESOLUTION #517

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

WHEREAS, for a period of 10 days in October 2010, the Fox Channel and 911 have been removed from the programs provided by Cablevision within the Town; and

WHEREAS, a dispute existed between those entities that provide the service; and

WHEREAS, this is the second time within one year that this has occurred, impacting the residents of the Town of Yorktown;

NOW THEREFORE BE IT RESOLVED, that The Town Board does hereby strongly object to the parties removal of programming in lieu of binding arbitration; and

BE IT FURTHER RESOLVED, that the Town Board does hereby demand that Cablevision provide a refund to its customers with respect to the diminishment of service this represents; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to both Cablevision and Fox Network as well as the Attorney General of the State of New York, the Public Service Commission and the Governor of the State of New York; and

BE IT FURTHER RESOLVED, that the Town Board in all strongest terms objects to this type of conduct by a licensed franchisee within the State of New York.

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

AUTHORIZE SUPERVISOR TO SUBMIT A GRANT APPLICATION TO NYS OFFICE OF PARKS, RECREATION AND HISTORICAL PRESERVATION FOR UPTO \$25,000 FOR IMPROVEMENTS TO THE GRANITE KNOLLS SITE TO FACILITATE ITS USE OF TRAILS WITH NO OUT OF POCKET COST TO THE TOWN IN TERMS OF CASH OR LABOR
RESOLUTION #518

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

Resolved that the Town Board authorizes the Supervisor to sign a grant application to the NYS Office of Parks and Recreation and Historic Preservation for up to \$25,000 for a Trails Grant for improvements to the Granite Knolls property, including the demolition of the existing barn and the creation of a parking area, with the understanding that the Town will not have to contribute any cash or in kind labor as part of any matching requirements and that the 20% required match will be cash raised by the New York-New Jersey Trail Association.

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

AUTHORIZE SUPERVISOR TO SIGN CONTRACT EXTECH, LLC FOR INSPECTING AND REPAIRING STEEL WATER TANKS
RESOLUTION #519

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

RESOLVED, that the Supervisor is authorized to sign a contract with Extech, LLC to provide inspection services on two water district storage tanks using a remote operated vehicle. Said work to be performed in accordance with American Water Works Association standards for inspecting and repairing steel water tanks, reservoirs and elevated tanks for water storage.

FURTHER RESOLVED, the cost to provide this inspection service is \$4,900.00

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

RETIREMENT
DIANE BARDEN

The Town Board accepts the retirement of Diane Barden from the Water Department.

REFUND
ZONING BOARD APPLICATION #64/10 - \$210.00
RESOLUTION #520

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

Resolved, that a refund in the amount of \$210.00 be given to Michael Pisano, Section 16.17, Block 2, Lot 35, for withdrawn Building Permit Fee.

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

REFUND DUPLICATE TAX PAYMENTS
ACCOUNT #4452006
RESOLUTION #521

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

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> |
|-----------------------|-----------------|---------------|--|
| 2010 Town/Cty | 48.10-1-22 | \$4,811.46 | Thomas and Kimberly Dinotte 1505 Pine Brook Court Yorktown Heights, NY 10598 |

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

MONTHLY REPORTS

Receiver of Taxes – 3 Reports

COURTESY OF THE FLOOR

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

Mr. Edward Ciffone showed the members of the Town Board a plaque that the Untied Taxpayers of Yorktown plan to present to Yorktown Comptroller Joan Goldberg.

Using the proposed local law concerning commercial vehicles as an example, Mr. Steve Gardner suggested that the Town Board send copies of these proposals to businesses that actually do the work for their professional opinions.

Mr. Fred Gulitz spoke about Resolution #258, the Town's vehicle policy which he thought requires individuals to return their town cars to their department at the end of their work day. He questioned why the Highway Superintendent and his deputy are not returning the vehicles to the Highway Garage. Mr. Gulitz also questioned the amount of fuel that is being used while doing personal business. Mr. Gulitz also asked about the Highway Superintendent's decision to sell \$75,000 worth of equipment to Hudson Canyon as well as purchase \$40,000 worth of equipment from Empire Excavating.

COURTESY OF THE FLOOR IS CLOSED

Councilman Bianco told Mr. Gulitz that if he feels something criminal has been done then it should be brought to the attention of law enforcement.

Councilman Martorano had also stated that if he believed there was any criminal activity, then he should see law enforcement.

Supervisor Siegel stated that the Town Board has no authority over the vehicles in the Highway Department. She also explained that the change in the commercial vehicle law is simply some housekeeping.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of a particular person with Police Chief McMahon.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown