

Regular meeting held by the Town Board,
Town of Yorktown on February 3, 2011 held at
Yorktown Town Hall, Yorktown Heights, NY.

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

Absent: Nicholas Bianco, Councilman

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 explained that since Tuesday's meeting had to be postponed due to the weather. All Town Board Meetings begin at 6:45PM with a pre-meeting that is open to the public in the Supervisor's Office. She offered her sincere thanks to the Town workers who have been working non-stop during our recent snow storms. Supervisor Siegel also spoke about the Town Code that requires property owners to keep fire hydrants clear of snow. Homeowners who use private plow companies that place snow from their client's property into the street will be fined. Yorktown's website, www.yorktownny.org is a good place to look for closings and cancellations of Town events or meetings. She also explained that residents in Yorktown do not have to boil their water like other communities in Westchester. We receive water from The Northern Westchester Joint Water Works which has been treated. Supervisor Siegel also spoke about an incident where an employee of the Department of Environmental Conservation was sprayed with a chemical while working on one of the department's bulk pickups. Chemicals should not be placed in plastic bags for bulk pickup. You can dispose of chemicals at the Department of Environmental Conservation weekdays. She also spoke about the Westchester County's Mobil Shredder coming to Town Hall on February 3rd.

DURING REPORTS FROM TOWN COUNCIL, Councilman Martorano stated that this has been an extraordinary winter. In addition to the snow, we have had a lot of ice which has only made things worst. He stated that it is grossly unfair to residents to remove snow from sidewalks after our plow trucks place it there, particularly after it turns to ice. We have between 6 to 8 feet of ice in many areas. He placed a motion on the table to have the Code Enforcement Officer writing tickets in regards to this chapter of the Town Code. But, he urges the owners of commercial properties to continue removing snow from their sidewalks.

Supervisor Siegel reminded Councilman Martorano that they had agreed that the motion would be done at the conclusion of tonight's agenda.

Councilman Patel stated that, on behalf of the Yorktown Town Board he attended the 100th Birthday Celebration of Lydia Fillmore. He also thanked town workers for their hard work during the recent snow storms. Councilman Patel also spoke about his visit with a young soldier who was injured in Iraq. The soldier wanted him to thank all of the residents of the Town of Yorktown who sent him well wishes.

Councilman Murphy acknowledged Councilman Patel's contribution of computers in the New Senior Center Computer Room. The Councilman thanked the Highway and Water Departments for keeping the roads opened during the snow storms.

Supervisor Siegel stated that the Town was still looking for volunteer computer instructors.

Yorktown Sole Assessor, Harold Girdlestone spoke about the new rules concerning the School Tax Relief Program (STAR). Property owners earning more than \$500,000 per year will no longer be eligible for this relief. New York State has identified 800 property owners in the Town of Yorktown who will have to come to Town Hall to prove that they continue to be eligible for the program.

COURTESY OF THE FLOOR

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

Mr. Ed Ciffone, a 40 year resident of the Town of Yorktown and President of the United Taxpayers of Yorktown asked the Town Board to find out why Cablevision axed the Game Network. Mr. Ciffone questioned the revision of the Ethics Disclosure Form. He also expressed his sadness at the resignation of Elizabeth Gentner who has worked for the Town many years. Mr. Ciffone stated that the Town Board should investigate the reasons for her departure. Will Mona Giuliano be appointed to the Town Court or will she be returning to the Town Clerk's Office.

Mr. Anthony Grasso read a letter, a copy of which is on file in the Town Clerk's Office under Town Board handouts. The letter questioned who wrote the amendment to the Ethics Code and the Ethics Disclosure Form. He also stated that many of the questions on the disclosure form are none of your business.

Mr. Fred Gulitz also thanked the Town workers who spent many hours working on the snow storms. He also wanted to know what the formal procedure was for making a complaint to the Town. Mr. Gulitz also showed the Town Board pictures of the town's salt reserve which are on the ground outside of the salt shed. He further stated that the town received a huge delivery of salt in November, but it was left outside of the shed. He wanted to know why?

Mr. Nick Puglia, a resident of Mark Road reiterated his complaint about having to shovel snow and ice off the sidewalk in front of his home. He stated that as soon as he cleans up, the Highway Department deposits more snow.

Supervisor Siegel asked Mr. Puglia to come to the next work session.

Another resident of Mark Road also wanted to know what was going to happen concerning this issue particularly since Councilman Martorano placed a motion on the table.

Mr. Michael Beak stated that he wanted the Town Board to take his property off the list of parcels that are slated to be rezoned tonight.

Mr. William Primavera stated that he was concerned about the proposed Ethics Disclosure Form. This will affect many of the Town's volunteer boards. Some of the members of these boards might find it difficult giving you the information.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel explained that during Town Board Meetings that are held on the first and third Tuesdays, the Board does most of its voting on different issues. We also have two segments of the meetings where residents can speak to the Town Board on any topic.

During our work sessions which occur on the second and fourth Tuesdays, the Board discusses pending issues, it's where we do our work. Although the meeting is open to the public, there is no formal opportunity for the public to speak.

Responding to questions asked tonight, the Supervisor had the following responses:

The sidewalk issue will be discussed at the February 8, 2011 work session.

The amendment to the Ethics Law and the proposed Disclosure Form will be discussed at the work session at the end of the month.

The Ethics Committee recommended the changes to the law and the disclosure form. They meet next Monday.

Mona Giuliano will be appointed Assistant Court Clerk later this evening.

She is sorry that Mrs. Gentner is leaving the Town Court. The Human Resource Officer has been asked to do an exit interview with every one who leavings our employment.

Mr. Gulitz, you raise a good point, we are trying to make our website more comprehensive. She also stated that as far as the issue of the salt is concerned, she'll have to speak with the Highway Superintendent.

Responding to questions asked tonight, Councilman Martorano had the following responses:

He thought the Town Board went through the Ethics Law and came up with a good one last year. He believes some of the proposed changes are anything but fair and balance. Some of the questions raised in the proposed Disclosure Form are ridiculous.

Mr. Gulitz, if you want to make a complaint, you can address it to the Town Board.

Mr. Beakes, we wish you had come forward sooner than this evening.

Mr. Ciffone, I was also upset to learn that Mrs. Gentner was leaving. She will be sorely missed.

Councilman Bianco who is on a cruise, shares my view that the Town Board should filter complaints before they are sent to the Ethics Board. We are concerned that the Ethics Board could be a political football. It should be the Town Board's duty to weed out bogus complaints.

Responding to questions asked tonight, the Councilman Murphy had the following responses:

The Ethics Committee presented the first draft of a proposed new law and form. We discussed those changes amongst ourselves. After reviewing it and getting a bunch of telephone calls, it is obvious that there needs to be more discussion before proceeding forward.

Responding to questions asked tonight, Councilman Patel had the following responses:

The Ethics Committee presented its plan to us and we trust them.

Town Attorney Jeannette Koster responded to a question asked by Mr. Gulitz stating that there is no official form or official process when it comes to making a complaint.

DECISION REZONINGS ASSOCIATED WITH COMPREHENSIVE PLAN

Supervisor Siegel stated that there will be a series of motions on different issues before we vote on the amendment to the Zoning Code and Zoning Map

AMENDMENTS TO THE PROPOSED ZONING CODE – TEXT CHANGES

SECTION 1- Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting Section 300-5 in its entirety and replacing it with the following (a copy of which is attached to these minutes)

MOTION #1

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend Section 300-21 of the Code of the Town of Yorktown by adding furniture showroom to the list of allowable uses in the Office (O) District:

Siegel, Martorano, Murphy, Patel Voting Aye

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

SECTION 1- Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting Section 300-5 in its entirety and replacing it with the following changes (a copy of which is attached to these minutes with the above amendment.

Siegel, Martorano, Murphy, Patel Voting Aye

LOCAL LAW #1 OF 2011
AMENDMENTS TO THE PROPOSED ZONING MAP
RESOLUTION #22

Upon motion by Councilman Martorano, seconded by Councilman Patel,

WHEREAS, a public hearing was held on the 15th day of June, 2010, pursuant to notice duly published as required by law, SECTION 1- Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting Section 300-5 in its entirety and replacing it with the following (a copy of which is attached to these minutes), now therefore be it

RESOLVED, that Local Law 1/2011, 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 Martorano	Voting Aye
Councilman Murphy	Voting Aye
Councilman Patel	Voting Aye
Supervisor Siegel	Voting Aye

Local Law #1/2011 was thereupon declared duly adopted.

AMENDMENTS TO THE PROPOSED ZONING MAP

A proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions (a copy of which is attached to these minutes)

MOTION #2

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 14 of section 1 of the proposed local law to remove parcel number 15.16-1-32 from the proposed rezoning.

Councilman Martorano stated that he believed the owner of this property argument against rezoning was cogent. The conditions when we first started working on the Comprehensive Plan were different. 8 years ago, the biggest issue faced by our residents was traffic. Today's big issue is the economy. He further stated that we need to protect the environment as well as improve and protect our infrastructure.

Councilman Murphy stated that our infrastructure is a problem. Commercial businesses are willing to help us out. Tonight, some of the parcels that we will be discussing are crucial. Government's number one goal should be economic development. But, it seems like some of us believe that a one sided approach is the best. Development should be broad based.

Councilman Martorano read a letter from Councilman Bianco stating that this parcel should be dropped out of the proposed local law.

Siegel, Martorano, Murphy, Patel Voting Aye

MOTION #3

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 15 of section 1 of the proposed local law to remove parcel number 37.17-1-31 from the proposed rezoning Amend subsection 33 of section 1 of the proposed local law to remove parcel number 37.15-1-35 from the proposed rezoning

Councilman Martorano stated that these properties are owned by the Goldberg family. He spoke in favor of removing them from the list of properties to be rezoned saying that the family has owned these properties for a considerable amount of time and have always paid their taxes. They also came to the Town and were willing to help us by constructing a stand alone Senior Center.

Councilman Murphy thanked Mr. Goldberg for having a discussion with him.

Supervisor Siegel stated that she will vote against removing this property from the current proposal. She believes that it is suited for office use.

Martorano, Murphy, Patel Voting Aye
Siegel Voting Nay

MOTION #4

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 23 of section 1 of the proposed local law to remove parcel number 26.18-1-7 from the proposed rezoning (Crompond Crossing)

Councilman Murphy stated that this is a wonderful opportunity to have the Town create a commercial corridor on Route 202

Councilman Martorano stated that this would also be the sight of affordable housing for our work force which we desperately need.

Councilman Martorano, speaking on behalf of Councilman Bianco stated that although he is in favor of the Crompond Corners plan, he was asked by the Yorktown School District to pull the proposal from the list of re-zonings and give them time to put some information together.

Supervisor Siegel disagreed with removing this parcel from the proposed plan and stated that she sees no reason to delay the vote.

Councilman Martorano stated that he can hear the Supervisor's frustration and he believes Councilman Bianco's request should be considered by the Town Board. He is only asking that the School District be given some time to look at how this could affect their budget which is appropriate in light of the proposed cuts to education that the Governor will be making.

Councilman Murphy stated that he respects Councilman Bianco, but he believes this is a crucial project that needs to get underway.

Martorano Voting Aye
Siegel, Murphy Patel Voting Nay

MOTION #5

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 63 of section 1 of the proposed local law to remove the following parcel numbers from the proposed rezoning:

15.11-1-17
15.11-1-17.1
15.11-1-18

15.11-1-12
15.11-1-13
15.11-1-14

These are parcels on Strawberry Road between Lexington Avenue and Rt. 6
The rationale for the re-zoning comes from the Sustainable Development Plan.

Councilman Martorano stated that these are properties in Mohegan Lake that are half acre parcels which will be up-zoned to one acre. The owner made a cogent argument about how the re-zoning will adversely affect him.

Councilman Patel stated that he is in favor of avoiding litigation.

Supervisor Siegel stated that she will be voting no to uphold the principles of the Comprehensive Plan.

Martorano, Murphy, Patel Voting Aye
Siegel Voting Nay

MOTION #6

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 63 of section 1 of the proposed local law to remove parcel number 48.08-1-4 from the proposed rezoning (Kincart Property)

Supervisor Siegel stated that she wants to uphold the principles of the Comprehensive Plan as well as talking about the environmental constraints of the property.

Martorano, Murphy, Patel Voting Aye
Siegel Voting Nay

MOTION #7

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 70 of section 1 of the proposed local law to remove parcel number 26.17-1-1, from the proposed rezoning (100 acre parcel on Route 202 owned by State Land Corp.)

Councilman Murphy stated that this was another crucial piece of property along the Route 202 corridor. The property owner is willing to help the Town of Yorktown make infrastructure improvements.

Supervisor Siegel stated that this argument was raised during discussions on the Comprehensive Plan. We have a similar situation that we will be speaking about later tonight. The property owner has a 65 acre parcel that is scheduled to be re-zoned, but they have submitted an application for a re-zoning.

Councilman Murphy stated that the Supervisor was talking about the project known as Croton Overlook. He questioned the Town's wisdom of having residences along Route 202 which he believes is a commercial corridor. Councilman Murphy stated that this is not a location where houses should be situated and that the Town's plan for a four acre re-zoning needs to be removed.

Councilman Martorano asked the Town's Planner John Tegeder if a proposal comes in to re-zone this property will re-zoning it from its current one acre zoning to four acres impede the process.

Mr. Tegeder stated no.

Councilman Martorano stated that he does want to see more commercial development in Town, but right now the property owner has the right to build single family homes on the site and this could hurt the Town as well as the school district.

Murphy Voting Aye
Siegel, Martorano, Patel Voting Nay

MOTION #8

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 77 of section 1 of the proposed local law to remove parcel number 47.17-1-3, from the proposed rezoning (Bernstein Property)

Siegel, Martorano, Murphy, Patel Voting Aye

MOTION #9

Upon Motion by Supervisor Siegel, seconded by Councilman Martorano,

Amend subsection 73 of section 1 of the proposed local law to remove parcel number 48.05-1-37, from the proposed rezoning (Beakes Property)

Supervisor Siegel told Mr. Beakes that she was sorry that he did not get involved in the process sooner.

Martorano, Murphy, Patel Voting Aye
Siegel Voting Nay

A proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions (a copy of which is attached to these minutes) with the above amendments

Councilman Murphy stated that he would vote against the proposed local law, an amendment to the Town's Zoning Map because he is against residential zoning along Route 202 which he believes should be a commercial corridor. More housing means an increase in taxes. Having more of a commercial base will help us with our aging infrastructure.

Councilman Martorano stated that this has been a long process. The Town of Yorktown has a history of not doing Comprehensive Plans. We use to have Master Plans which were produced by our Planning Board. Councilman Martorano acknowledged that The Comprehensive Plan was started a long time and times were different. We are in tough economic times now. Even though the process was not perfect, he believes it was fair.

Councilman Patel stated that the Town has spent \$3 million dollars producing this plan. Eight years of working on the plan is long enough.

Supervisor Siegel stated that this has been a very lengthy process. We have worked long hours to get the plan adopted. There is nothing wrong with making changes to the Comprehensive Plan in the future.

LOCAL LAW #2 OF 2011

AMENDMENTS TO THE PROPOSED ZONING MAP

RESOLUTION #23

Upon motion by Councilman Martorano, seconded by Councilman Patel,

WHEREAS, a public hearing was held on the 15th day of June, 2010, pursuant to notice duly published as required by law, Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions (a copy of which is attached to these minutes) with the above amendments, now therefore be it

RESOLVED, that Local Law 2/2011, 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 Martorano	Voting	Aye
Councilman Murphy	Voting	Nay
Councilman Patel	Voting	Aye
Supervisor Siegel	Voting	Aye

Local Law #2/2011 was thereupon declared duly adopted.

CROTON OVERLOOK – ISSUE POSITIVE DECLARATION
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEWACT (SEQRA)

Supervisor Siegel began reading from the Environmental Assessment Form prepared by the Town Planner.

Mr. David Steinmetz, the Attorney for the applicant interrupted and asked if he could have a copy of the document which is a generally accepted practice.

Councilman Martorano stated that this is not the time for a discussion.

Mr. Steinmetz stated that he was not making a legal argument, but speaking about procedures.

Councilman Murphy asked whether anyone read the information already given by the applicant prior to writing this EAF.

The Town Board agreed that the issuance of a Positive Declaration would be postponed and the matter will be discussed during a work session.

ADVERTISE SCOPING SESSION
CROTON OVERLOOK REZONING REQUEST
RESOLUTION #24

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

NOTICE IS HEREBY GIVEN, that a scoping session will be held in accordance with the New York State Environmental Quality Review Act by the Town Board, Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 15th day of February, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a draft scoping document pursuant to the application of Croton Overlook for a zoning map amendment. The application pertains to certain real property comprised of 62.76 acres, located east of the intersection of New York State Routes 134 and 100, designated on the Town tax maps as parcels 70.15-1-2 and 70.11-1-16 that is presently zoned R1-80. Croton Overlook is seeking a zone change to RSP-1 to construct a 72 lot subdivision, which includes 35 buildings, containing a total of 70 residential fee simple duplex units for active adult housing, and including one open space lot, consisting of a protected land preservation parcel of approximately 44 acres. It is expected that copies of the draft scoping document will be available to the public beginning on February 9, 2011 at offices of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights.

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

ADVERTISE PUBLIC HEARING
DRIVEWAY GRADE VARIANCE REQUEST
RESOLUTION #25

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 1ST day of March, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the application of Nicholas & Laura Fusco for a variance for property located at 3477 Stony Street, Section 16.14, Block 1, Lot 10. The applicant is seeking a variance of the 10% limitation on driveway grades so as to enable the installation of a driveway, portions of which driveway are at a 14% grade.

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

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

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

PUBLIC HEARING – MARCH 15, 2011
REZONINGS – PROPOSED ZONING CHANGES ASSOCIATED WITH THE
COMPREHENSIVE PLAN
RESOLUTION #26

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

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board of the Town of Yorktown, Westchester County, New York, at the Yorktown Town Hall Board Room on Tuesday, March 15, 2011 at 7:30 p.m. or as soon thereafter as the same can be heard. The public hearing will be convened for the public to comment orally and/or in writing upon the proposed local law described below.

ALL PERSONS INTERESTED in this matter may appear before the Board in person or by agent or attorney, and will be heard before any final determination is made. In addition, written comments can be submitted through the close of business on March 15, 2011 to John Tegeder, R.A., Town of Yorktown Director of Planning, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Proposed Local Law:

A) A proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions:

1. The following lots on the Tax Map of the Town of Yorktown are rezoned from C-2 to C-2R:
 - 16.07-1-1
 - 16.07-1-2
 - 16.07-1-4
 - 16.07-1-5
 - 16.06-1-43
 - 16.06-1-44
 - 16.06-1-45
 - 16.06-1-46
 - 16.10-4-23
 - 16.10-4-24
 - 16.11-1-37
 - 16.11-1-45

16.10-2-30
16.10-2-31
16.10-1-32
16.10-1-33
16.10-1-37
16.10-1-38

2. The following lots on the Tax Map of the Town of Yorktown are rezoned from C-2 to C-2R:
16.10-1-31

3. The following lots on the Tax Map of the Town of Yorktown are rezoned from R1-80 to R1-160:
47.17-1-3

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

ADVERTISE BID – MICROFILM AND MICROFICHE READER/PRINTERS
MAINTENANCE AND REPAIR CONTRACT
RESOLUTION #27

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 11:00 AM on Tuesday, March 8, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for qualified parties for Microfilm and Microfiche Reader/Printer Maintenance, Repair and Supplies Contract.

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, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

RFP – OPERATION OF FOOD AND REFRESHMENT CONCESSIONS – YORKTOWN
TOWN POOLS – SHRUB OAK AND JUNIOR LAKE
RESOLUTION #28

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

The Town of Yorktown Department of Recreation and Parks is seeking proposals from qualified individuals and firms interested in providing the food and refreshment service at the Yorktown Town Pools concession facilities at the Junior Lake Pool in Yorktown Heights and at the Brian J. Slavin Aquatic Center in Shrub Oak.

The intent of this Request For Proposal (RFP) is to seek out and select a Licensee who will provide a high quality of food service at reasonable prices for pool patrons at the Yorktown Town Pools, with an emphasis on customer service.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Ave., Yorktown Heights, NY 10598, no later than 2:00 p.m., February 23, 2011. The Town is not responsible for any internal or external delivery delays, which may cause the RFP to arrive beyond the deadline. An original plus three copies of the proposal must be submitted. No materials will be accepted after the deadline.

The Town Board reserves the right to reject any or all proposal and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

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

RFP TO MANAGE OPERATE AND MAINTAIN THE AREA FORMERLY KNOWN AS SHALLOW CREEK GOLF COURSE AS A MUNICIPAL GOLF COURSE INCLUDING FACILITIES INCIDENTAL TO A GOLF COURSE
RESOLUTION #29

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

The Town of Yorktown currently owns approximate 12.29 acres of parkland formerly known as the Shallow Creek Golf Course. This was originally constructed as a 9 hole par 3 golf course. The Town is now looking to license or concession the parcel to be utilized for park purposes.

OBJECTIVE

The Town of Yorktown ("Town") is soliciting proposals from interested and qualified firms and individuals for the potential management or operation and maintenance of the area described above located at Route 6 and Hill Boulevard, Yorktown Heights, New York 10598 ("Shallow Creek"). The purpose of this solicitation is to tap the creativity of the private sector to explore what, if any, options may exist to utilize Shallow Creek in a way that maximizes its potential as parkland and as a recreational facility.

THE TOWN IS OPEN TO CREATIVE AND INNOVATIVE PROPOSALS REGARDING THE UTILIZATION OF SHALLOW CREEK WITHIN THE LEGAL AND POLICY CONSTRAINTS AS SET FORTH HEREIN AND BY THE TOWN.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Ave., Yorktown Heights, NY 10598, no later than 4:00 p.m., April 29, 2011. The Town is not responsible for any internal or external delivery delays, which may cause the RFP to arrive beyond the deadline.

The Town Board reserves the right to reject any or all proposals and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

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

OPERATION OF A FOOD CONCESSION AT THE WOODLANDS LEGACY BALLFIELDS
RESOLUTION #30

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

The Town of Yorktown Department of Recreation and Parks is seeking proposals from qualified individuals and firms interested in providing the food and refreshment service at the Woodlands Legacy Ballfields.

The intent of this Request For Proposal (RFP) is to seek out and select a Licensee who will provide a high quality of food service at reasonable prices for park patrons at the Woodlands Legacy Ballfields, with an emphasis on customer service.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Ave., Yorktown Heights, NY 10598, no later than 2:00 p.m., February 23, 2011. The Town is not responsible for any internal or external delivery delays, which may cause the RFP to arrive beyond the deadline. An original plus three copies of the proposal must be submitted. No materials will be accepted after the deadline.

The Town Board reserves the right to reject any or all proposals and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

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

TOWN GOALS

Supervisor Siegel read a list of Goals for 2011 that the Town Board discussed during their last work session. The list included; increasing the Town's use of technology, open the Town of Yorktown to more businesses, work with our State Legislatures to get mandate relief, prioritize our list of infrastructure improvements needs and plan to borrow money to pay for what needs to be done., review all of the Town's environmental laws and land use regulations, locate places for more ball fields, continue to plan for the merger of the Building, Planning and Engineering Departments, and resolve the Yorktown Dog Park issue.

REFERRAL – SANCTUARY GOLF COURSE – AMEND AN APPROVED SPECIAL USE PERMIT

RESOLUTION #31

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

RESOLVED, that the Town Clerk is hereby authorized to refer out the application of Sanctuary Golf Course for an amended Special Use Permit to the appropriate agencies and, BE IT FURTHER RESOLVED, that the Town Board of the Town of Yorktown hereby declares its intent to be lead agency.

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

AWARD HIGHWAY MATERIALS BID

RESOLUTION #32

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

WHEREAS, invitation to bid for materials for use by the Highway Department was duly advertised, and

WHEREAS, said bids were received and opened on the 21st day of December, 2010, NOW THEREFORE BE IT

RESOLVED, that upon the recommendation of the Superintendent of Highways the bids be and are hereby awarded as indicated on the annexed list entitled Materials Bid 2011.

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

JOHN C. HART MEMORIAL LIBRARY HVAC CONTRACT #10-1
CHANGE ORDER #1
RESOLUTION #33

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

WHEREAS, in order to improve performance under part load conditions that are experienced on a variable air volume HVAC system and to eliminate oil slugging within the lines; and

WHEREAS, the work involved requires installation of two new piping lines and pipe traps at a total cost of \$4,103, NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign Change Order No. 1 for the John C. Hart Library HVAC Project, in the amount of \$4,103.

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

RELEASE OF ESCROW DEPOSITS
STREET OPENING PERMIT #007-15-\$1,000.00
RESOLUTION #34

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	007-15	\$1,000.00	Dover Street	Russell & Filomena Green 1538 Dover Street Mohegan Lake, NY 10547

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

RELEASE OF ESCROW DEPOSITS
STREET OPENING PERMIT #1158 - \$500.00
RESOLUTION #35

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1158	\$500.00	Scofield Road	Joe Bene 10 Mount Hope Road Mahopac, NY 10541

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

RELEASE OF ESCROW DEPOSITS
STREET OPENING PERMIT #0006-12-\$2,000.00
RESOLUTION #36

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	006-12	\$2,000.00	Scofield Road	Joe Bene 10 Mount Hope Road Mahopac, NY 10541

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

EXTEND DRY CLEANING SERVICES BID
RESOLUTION #37

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

WHEREAS, bids for Uniform Cleaning Services for the Police Department were received and opened on February 11, 2009; and

WHEREAS, said bids were awarded to Rite Price Cleaners, the sole bidder; and

WHEREAS, the town has the option to extend said bid for three additional years in one-year increments; and

WHEREAS, said bid commenced March 1, 2009 through February 28, 2010 with additional years of 2011, 2012 and 2013; so, THEREFORE BE IT

RESOLVED, that the Uniform Cleaning Services Bid for the Police Department is hereby extended for one year, per the terms of the bid; and

FURTHER RESOLVED, the dates of the extension will be March 1, 2011 through to February 28, 2012.

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

AUTHORIZATION TO ATTEND NATIONAL LEGISLATIVE FORUM ON PARKS
AND RECREATION AND THE NYSRPS ANNUAL CONFERENCE AND BUSINESS
EXPO
RESOLUTION #38

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

RESOLVED, authorization is hereby given to Jennifer Fava, Superintendent Parks & Recreation to attend the National Legislative Forum on Parks and Recreation being held in Washington, DC from March 16-18, 2011 and the NYSRPS Annual Conference and Business Expo being held in Vernon, NY from March 27-29, 2011.

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

AMEND TAKE HOME VEHICLE USE POLICY
RESOLUTION #39

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

Resolved, that the Town Board amends Resolution #258 adopted by the Yorktown Town Board on July 3, 2007 by adopting a new Take Home Vehicle Policy as follows:

It shall be the policy of the Town of Yorktown to permit certain elected officials and employees to take home a town vehicle subject to the following requirements.

With the exception of items (1) and (5) below, these requirements will apply to all persons who shall be allowed to take home a town vehicle.

1. The employee shall live within ten (10) miles of the town border.
2. Vehicles are to be used to conduct town business only, as well as for travel to and from work.
3. Personal use of town vehicles is strictly prohibited.
4. The use of a take home vehicle shall comply with Internal Revenue Service Regulation 1.61-21 c.
5. Employees are required to return the vehicles to their respective departments when absent for more than two (2) consecutive days, excluding weekends and holidays. Such absences shall include vacation, sick, workers comp, etc.
6. Employees who violate this policy will be subject to disciplinary charges, including the loss of their privilege to take a town vehicle home.
7. All vehicles taken home by employees are to prominently display, at all times, the town emblem on both sides of the vehicle.

As of February 1, 2011, the following elected officials and non Highway Department employees shall be permitted to take home town vehicles.

Town Supervisor
Highway Superintendent
Superintendent of Environmental Conservation
Central Garage Foreman
Assistant Plant Superintendent (Sewer plant)
Building Inspector
Parks Foreman
Chief of Police
Police Lieutenants (3)

Special provisions governing take-home vehicles in the Highway Department

This policy recognizes that pursuant to Highway Law, Section 142 (2), and the opinion of the New York State Comptroller (Opn No. 91-3), "the highway superintendent controls how, when and where highway equipment is to be used so long as the equipment is being used for lawful town highway purposes."

Therefore, it shall be up to the highway superintendent to determine which employees under his control shall be permitted to take home vehicles, and that as of February 4, 2011 the highway superintendent is to provide the Finance Department with a list of highway department employees permitted to take home vehicles and that said list will identify which vehicle the employee is taking home.

The aforesaid requirements 2-4, 6 and 7 governing the use of take-home vehicles shall apply to all highway department employees.

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

APPROVE THE REQUEST FROM LF COMMUNICATIONS, INC. FOR SERVICES ASSOCIATED WITH THE 22ND ANNUAL COMMUNITY DAY
RESOLUTION #40

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

Resolved, that the Town Board authorizes the Supervisor to sign an agreement with LF Communications to organize and plan the 22nd Annual Yorktown Community Day at a cost of \$3,000.

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

AUTHORIZE SUPERVISOR TO SIGN A LETTER OF INTENT INDICATING THE TOWN BOARD'S SUPPORT FOR A NEW PILOT AGREEMENT FOR THE UNDERHILL APARTMENTS TO REPLACE AN EXPIRING 40 YEAR PILOT AGREEMENT
RESOLUTION #41

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

Resolved, that the Supervisor is authorized to send a letter to the Commissioner of the New York State Office of Housing and Community Renewal indicating the Town's support for the continued preservation of the Underhill Apartments as affordable rental housing and the Town's intent to enter into a PILOT agreement with the Marathon Development Group that would assure the continued affordability of the Apartments.

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

AUTHORIZE COURT OFFICER HOWARD MOSKALIK TO CARRY A FIREARM IN YORKTOWN JUSTICE COURT
RESOLUTION #42

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

Whereas, the presence of an armed Court Officer in the Justice Court acts as a deterrent to anyone contemplating aggressive behavior, and

Whereas, the Justices and Court Clerk have requested authorization by the Town Board to allow Court Officer Howard Moskalik to carry a firearm in the Justice Court, and

Whereas, Howard Moskalik is currently licensed to carry a firearm and has completed all necessary training and certifications to carry a firearm,

Therefore be it resolved, the Town Board authorizes Howard Moskalik to carry a firearm in the Justice Court provided that he keep his license, training and certification current, and

Be it further resolved, that any future costs associated with Mr. Moskalik's carrying a firearm will be paid for solely by Mr. Moskalik and not the Town of Yorktown.

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDED CONTRACT WITH THE TOWN
PROSECUTOR INGRID O'SULLIVAN
RESOLUTION #43

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an amendment to the agreement with Ingrid O'Sullivan, Esq., to provide for compensation at a rate of \$ 100 per hour to prepare for and handle plea conferences of New York State Trooper-issued Vehicle & Traffic Law tickets. The terms of the existing agreement between Ms. O'Sullivan and the Town with respect to non-VTL work shall remain unchanged.

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

AMEND RESOLUTION #537 APPROVED NOVEMBER 23,2010 RELATING TO THE
PURCHASE OF MATERIALS FOR THE HIGHWAY DEPARTMENT INCREASING
THE PAYMENT TO PECKHAM MATERIALS CORP. BY \$6,180.57
RESOLUTION #44

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

Resolved, the Town Board directs the Comptroller to pay Peckham Materials Corp. in the amount of \$6,180.57 and;

BE IT FURTHER RESOLVED, that the Highway Department will include the use of shim mix with a drag box on all future bids for blacktop.

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

APPROVE COMMERCIAL GARBAGE LICENSES FOR BRIA CARTING COMPANY
RESOLUTION #45

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

RESOLVED, that Bria Carting Company be and is hereby granted renewal of their garbage license for commercial properties only, for the year 2011.

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

APPOINTMENT – RAMONA GIULIANO
ASSITANT COURT CLERK
RESOLUTION #46

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

BE IT RESOLVED, that Ramona Giuliano is hereby appointed to the civil service title, Assistant Court Clerk, job class code 0050-01, from Eligible List No. 62-147, in the Town Court Department, effective February 4, 2011 to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 8, Step 5, which is \$55,429.00 annually;

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 February 4, 2011.

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

RESIGNATION

The Town Board accepted with regret the resignation of Kim King, Police Dispatcher with the Yorktown Police Department.

RESIGNATION

The Town Board accepted with regret the resignation of Elizabeth Gentner, Assistant Court Clerk with the Yorktown Justice Court.

REAPPOINTMENTS

JAMES HACKETT – RECREATION COMMISSION

RESOLUTION #47

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

Resolved, that James Hackett is reappointed to the Recreation Commission for a term of seven years to expire on December 31, 2017

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

REAPPOINTMENTS

ROBERT FAHEY – ZONING BOARD

RESOLUTION #48

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

Resolved, that Robert Fahey is reappointed to the Zoning Board of Appeals for a term of five years to expire on December 31, 2015.

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

APPOINTMENT

JOHN MEISTERICH – ZONING BOARD (ALTERNATE MEMBER)

RESOLUTION #49

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

Resolved, that John Meisterich is appointed as an alternate member of the Zoning Board of Appeals for a term of five years to expire on December 31, 2015

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

RESIGNATION

The Town Board accepted with regret the resignation of Martin Promisel as a member of the Cable Committee.

REFUND

BUILDING DEPARTMENT

ALARM PERMIT – 718 FIELDSTONE COURT - \$15.00

RESOLUTION #50

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

RESOLVED, that the Town Board authorizes a refund of \$15.00 for overpayment of an alarm permit to Mr. & Mrs. John Kuhr at 718 Fieldstone Court, Yorktown Heights, NY 10598.

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

REFUND

ZONING BOARD OF APPEALS FEE – CORAL SEA POOLS - \$210.00

RESOLUTION #51

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

RESOLVED, that the Town Board approves a refund in the amount of \$210.00 be made to Coral Sea Pools on behalf of a client at 58 Cloverhill Lane for a Zoning Board of Appeals variance fee that was determined to be not required.

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

REFUND DUPLICATE TAX PAYMENTS

ACCOUNT #4650000, 4650500, 4651000

RESOLUTION #52

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

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	59.06-1-14	\$2,312.61	Teresa Murphy 622 Croton Heights Road Yorktown Heights, NY 10598
2010 Town/Cty	59.06-1-13	\$224.25	Teresa Murphy 622 Croton Heights Road Yorktown, NY 10598
2010 Town/Cty	59.06-1-12	\$175.70	Teresa Murphy 622 Croton Heights Road Yorktown, NY 10598

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

MONTHLY REPORTS

Receiver of Taxes – 2 Reports

CODE ENFORCEMENT OFFICER NOT TO ISSUE SUMMONS UNDER

SECTION 216-10

RESOLUTION #53

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

RESOLVED, that the Code Enforcement Officer is directed by the Town Board not to issue summons under Section 216-10 within the Town of Yorktown.

Supervisor Siegel stated that Town Boards have been dealing with this issue since 2007. She is very uncomfortable with this proposal. She will vote on it if it expires March 1, 2011. This will force the Town Board to find a solution.

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

COURTESY OF THE FLOOR

Mr. Anthony Grasso read the remaining portion of his letter which expresses his displeasure with the proposal to amend the current Ethics Law, a copy of which is on file in the Town Board Meeting Response file in the Town Clerk's Office. Mr. Grasso stated that he had his own attorney check with the New York State Bar Association and asked if this proposed Disclosure Form was sent out by them. The response was no. Mr. Grasso also told Councilman Patel that when it comes to taxes, 78% are paid by residential homeowners and only 13% is paid by our limited commercial base. The Board of Education should be permitted to comment on proposals that would affect their budget. There are two main corridors in the Town of Yorktown, Route 202 and Route 6. Both of these roads should be strictly for business.

Mr. Edward Ciffone stated that if someone in Westchester County told you that the 26 units of affordable housing is for the Town's work force, that's baloney. The Monitor assigned to this case has told the Westchester County Executive that work force housing will not count.

Mr. Gultiz spoke about the Town Vehicle Policy stating that the Highway Superintendent and his staff did not have to have decals on their cars because the use of his cars is covered by Highway Law. Mr. Gultiz then read an opinion from another Town which stated that because the Town Board gives the Highway Superintendent a budget to buy cars, their Vehicle Policy can override what is written in State Law.

Mr. Nick Puglia thanked Councilmen Martorano, Murphy and Patel for voting on a resolution which will help them out tremendously.

Highway Superintendent Eric DiBartolo responded to Mr. Gultiz's question about the maintenance of our salt reserves. He also stated that he is the subject of harassment by Mr. Gultiz, Mr. LaPierre and Mr. Gardner. Several days ago, the Police Department was called after Mr. LaPierre was taking pictures in an area which is off limits to the public. He also denied allegations by the same three gentlemen that he used town personnel and or goods to salt the driveway of the Yorktown Funeral Home.

Mr. DiBartolo stated that his department is running well. They salt that is kept outside is mixed with magnesium and placed on roads prior to snow storms.

Mr. DiBartolo further stated that there are no decals on his cars and there never will be.

Mr. Gultiz responded to Mr. DiBartolo's discussion by saying that he is not here to harass anyone. He is here to protect the taxpayer.

Supervisor Siegel responded to several statements made during Courtesy of the Floor;

The Draft amendment to the current Ethics Law and the draft Disclosure Statement were both given to the Town Board by the Ethics Committee. Concerning the subject of work force housing, we are following the guidelines that the Town was given. Supervisor Siegel stated that the Town Board is limited when it comes to having decals placed on cars driven by elected officials.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown