

Work Session held by the Town Board, Town of Yorktown on February 22, 2011. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

EXECUTIVE SESSION

Supervisor Siegel motioned, seconded by Councilman Martorano, to move into Executive Session for interviews with a prospective Voluntary Board Member. Upon motion made by Councilman Martorano, seconded by Councilman Murphy, Town Board moved into the work session.

WORK SESSION

Supervisor Susan Siegel called the meeting to order.

YORKTOWN EVENT SIGNS

Mrs. Jessica Bambach, a member of the Parks and Recreation Department stated that there are many requests for space on our Event Sign Boards. Some of the requests she receives promote private businesses or events that are not in the Town of Yorktown. The Town does not charge for usage of these sign boards which were paid for by the Yorktown Chamber of Commerce.

Supervisor Siegel spoke about a proposed policy that her office worked on.

Councilman Martorano spoke about a telephone call that he received from the Town Attorney who is on vacation but felt that she would like to research the constitutionality of the policy.

The Town Board agreed to give the Town Attorney time to research this issue.

ETHICS ISSUES

Several members of the Ethics Committee including its Chairman, Richard Rubenstein, Joan Landsberg and Bob Garofolo updated the Town Board on its work regarding amendments to the ethics law as well as a new ethics disclosure form.

Mr. Rubenstein stated that his Committee took this work on because they are looking to establish credibility in the eyes of Yorktown residents.

They have received a number of comments regarding the proposal given to the Board several weeks ago and they believe there are two areas of concern; people have expressed concerns about the privacy of this information and the possibility that the disclosure form may be overly broad.

We will continue working on the form and present you with updated amendments to the law and form.

SEPTIC INSPECTION

Supervisor Siegel explained that one of the requirements of our MS4 permit is to adopt a septic inspection law. Every property owner on septic must have their systems inspected at least once every five years.

Wetlands Consultant Bruce Barber explained that he has already given the EAF to the Town Clerk and the proposal should be circulated for comment.

DECLARE LEAD AGENCY
PROPOSED LOCAL LAW INSPECTION OF SEPARATE SEWEGE DISPOSAL
SYSTEMS/ONSITE WASTEWATER SYSTEMS
RESOLUTION #85

Upon motion by Councilman Martorano and seconded by Councilman Bianco

RESOLVED that the Town Board declares itself Lead Agency for the purpose of reviewing the environmental impact of the proposed action pursuant to SEQRA

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

REFER OUT PROPOSED LOCAL LAW INSPECTION OF SEPARATE SEWEGE
DISPOSAL SYSTEMS/ONSITE WASTEWATER SYSTEMS
RESOLUTION #86

Upon motion by Councilman Bianco and seconded by Councilman Martorano

RESOLVED, the proposed local law and short form EAF in relation to the inspection of separate sewage disposal systems /on site wastewater systems will be referred to and reviewed by the Conservation Board, the Engineering Department, the Planning Department and the Planning Board of the Town of Yorktown; and by the Westchester County Planning Department, the New York City D.E.P. and the New York State D.E.C.

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

STORMWATER UPDATE

Under the Town of Yorktown's MS4 permit, the Town of Yorktown has five years to reduce the phosphorus in the water supply by 50 kilograms. Supervisor Siegel stated that the Attorney hired to by the communities in the East of Hudson Inter-municipal Coalition, our regional coalition group was able to get an additional \$15 million commitment to be used as funding for projects that will help us meet our storm water management goals. We have approximately \$20 million in East of Hudson funding that will be used for projects where we will get the biggest bang for the buck. Supervisor Siegel spoke about the fact that the Yorktown School District was able to complete a project at the Mildred Strang Middle School for which the Town might be able to receive the credit for the project's reduction in phosphorus.

Supervisor Siegel further stated that the Coalition is working on including Putnam County in the regional group.

The Supervisor stated that she was hoping to present the Town Board with a resolution authorizing her to sign an agreement to include Putnam County in the East of Hudson Inter-municipal Coalition.

One of the goals of these communities is to create a regional storm water entity.

If we have the agreement by next week, it will be placed on the agenda for approval.

Supervisor Siegel stated that she was also alerted that there was a grant totaling more than \$70 thousand which the Town never took advantage of.

Environmental Conservation Consultant Bruce Barber stated that we plan to do two projects with the money. We plan to install a gravel infiltration system near the Service Building at Sparkle Lake. We will also be placing a separator near the Recreation Department's Office at Sparkle Lake.

FORECLOSURE PETITION

Supervisor Siegel stated that her office, the Tax Office and the Town Attorney have been working on a joint project to identify properties that we can foreclose on.

There 740 liens and approximately 200 property owners.

The Town Attorney sent letters to the affected property owners in January. Some people have come to Town Hall to speak with the Town Attorney about taking advantage of the installment plan.

The Supervisor stated that her office has come up with a list of Frequently Asked Questions (FAQ) concerning the foreclosure process.

Once the petition is filed, the list of property owners will be advertised in the North County News and Journal News.

In June, the Town should receive an order from the Court

The Town Attorney did get a request from one person who asked for more time because he was in the middle of getting a reverse mortgage and didn't want to see his name in the newspaper.

Supervisor Siegel stated that we are talking about \$2.1 million. 65% of these liens are from the years 1995-2006.

Councilman Martorano stated that this was an issue that came to light last week. This person is asking for two weeks to get a reverse mortgage.

Councilman Murphy stated that this is very serious, we are kicking someone out of their home and we should consider giving this person time to get the mortgage.

Councilman Bianco stated that we cannot give just one person time, but everyone on the list must be afforded the same opportunity.

DELAY FILING FORECLOSURE PETITION

TOWN ATTORNEY

RESOLUTION #87

Upon Motion by Councilman Martorano, seconded by Councilman Murphy

RESOLVED, the Town Attorney will delay filing the foreclosure petition until March 15, 2011.

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

TAX CERTIORARI SETTLEMENTS/CAPITAL PROJECTS

Supervisor Siegel spoke about proposed tax certiorari settlements that the Assessor stated could total more than \$500,000 in 2011 and \$1 million next year.

She asked the members of the Town Board if they would consider bonding these settlements and at the same time consider bonding additional monies to pay for some of the capital projects that we have been discussing.

The Board will look at the settlements and the list of projects and come back with a decision.

DISCUSSION

Supervisor Siegel stated that the Town Board wanted a discussion concerning procedures.

Councilman Martorano stated that this is a Town Council form of Governor. He told the Supervisor that she is not a Mayor who has more powers. A Town Supervisor's powers are limited.

There was more discussion by Town Board Members who stated that they were not being informed of what is taking place in Town Hall. They are aware that the Supervisor is in charge of the day to day activities. The Board further stated that they appreciate the Supervisor does. It is mandatory that Department Heads know that they work for all of the members of the Town Board.

Councilman Martorano stated that he would like to introduce a resolution that was given to the Comptroller in 2005, make some changes and that it be sent to all department heads.

FORMALLY ADVISE DEPARTMENT HEADS THAT ENTIRE TOWN BOARD IS ACCOUNTABLE FOR THE PROPER FUNCTIONING OF TOWN AND SHOULD BE KEPT INFORMED
RESOLUTION#88

Upon Motion by Councilman Bianco, seconded by Councilman Martorano,

The Town Board recognizes the duties and responsibilities of the Supervisor in the daily functioning of the Town.

However, we reiterate and reaffirm long standing Resolution #605

“That the staff be formally advised that the entire Town Board is accountable for the proper functioning of the Town and has a need to be kept informed.”

Therefore, it is our explicit policy that all Department Heads to be required to keep every Town Board member apprised of all decisions of the Town, whenever possible.

This communication includes, but is not limited to, emails memos, and phone calls.

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

Councilman Bianco also stated that Town Board members should be allowed to place items on the agenda without having to go through the Supervisor.

Supervisor Siegel agreed.

The Town Board members agreed to the Supervisor's request that they be civil to one another and limit their discussion to one at a time.

Councilman Bianco also stated that there was another issue that he would like to vote on tonight. Several week's ago, the Town Board amended its Take Home Vehicle Policy. In retrospect, he believes he made a mistake. The Town Board should not have included the members of the Police Department in this resolution regarding the need for them to have decals on their cars. He believes the Police Chief should be allowed to make that decision.

AMEND VEHICLE TAKE HOME POLICY
RESOLUTION #89

Upon Motion by Councilman Bianco, seconded by Councilman Martorano

RESOLVED, the Town Board amends the Vehicle Take Home Policy adopted on February 3, 2011.

The Yorktown Police Chief and the Police Lieutenants are excluded from complying with #7 of the resolution which reads as follows:

“All vehicles taken home by employees are to prominently display, at all times, the Town emblem on both sides of the vehicle.”

FURTHER RESOLVED, the Police Chief will use his discretion concerning the Town emblem.

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

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown