

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

Present: Susan Siegel, Supervisor
Nicholas J. Bianco, Councilman
James J. Martorano, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Supervisor Siegel motioned, seconded by Councilman Martorano, to move into Executive Session to discuss Tax Certiorari Settlements. Upon motion made by Councilman Martorano, seconded by Councilman Murphy, the Town Board moved into the work session.

WORK SESSION

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

ETHICS LAW

Supervisor Siegel updated the Town Board on revisions to the proposed Ethics Law and new Ethics Disclosure Statement. Mr. Rubenstein, Chair, Ethics Board, explained that some verbiage was changed to the proposed local law. Relative was replaced with family member. Mr. Rubenstein discussed with the Town Board other changes to the draft local law.

The Town Board will refer the proposed local law out on April 5, 2011 and will advertise for a public hearing on May 3, 2011.

POOL PASSES FOR VOLUNTEER BOARDS MEMBERS

The Town Board discussed offering a discount for Town pool passes to volunteer board members for the 2011 season.

The Town Board agreed to place this on the next Town Board agenda.

VIDEO EQUIPMENT FOR TOWN MEETING ROOM

Mr. Wheeler, Chair, Cable Committee, gave an overview to the Town Board with regards to the Audio and Video Equipment for the Town Meeting Room. He stated that the Town would go out to bid for the equipment. The lighting, public address system and projector would be done separately. He stated that some construction will be needed in the meeting room and should take place before the equipment is installed.

Councilman Murphy asked if a consultant could oversee the project.

REQUEST TO PURCHASE TOWN-OWNED PARCEL RESOLUTION #135

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

RESOLVED, that the Town Board refers Town-owned parcel Map Number 69.16-1-5 (No Number Illington Road), to the Conservation Board and Advisory Committee on Open Space for a recommendation as to whether the town should continue to own the parcel or consider selling it.

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

GRANT FOR POLICE VIDEOING EQUIPMENT
RESOLUTION#136

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

BE IT RESOLVED, that the Town Board hereby authorizes the supervisor to sign an agreement to purchase video recording equipment from AUDIO-VIDEO CORPORATION for the Yorktown Police Department, which will be fully reimbursable from the Westchester County District Attorney's office by the State of NY Byrne/JAG Grant. This amount is not to exceed \$4,516.10, which is the amount allocated to the Town of Yorktown Police Department.

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

REQUEST FOR PROPOSALS (RFP) FOR APPRAISAL SERVICES

Sole Assessor Harold Girdlestone was present to discuss with the Town Board a request to solicit proposals for appraisal services for tax certiorari cases.

The Town Board agreed to place this on the next Town Board agenda.

WESTCHESTER BALLET YCCC LEASE

Supervisor Siegel discussed the Westchester Ballet Lease at the YCCC. She stated that the Westchester Ballet uses two separate rooms in the YCCC, one is for the Westchester Ballet Center and the other is the Dance Company of Westchester. Supervisor Siegel stated that they work as one company under the Westchester Ballet Center. Supervisor Siegel feels they should pay the profit rate to rent rooms at the YCCC because they are a profit making entity. The Town Board agreed to charge a profit rate as long as it is fair to every tenant.

CROTON OVERLOOK DEIS SCOPING DOCUMENT

Supervisor Siegel stated that we are here to discuss the draft scoping document and another issue is the conflict of interest of Paul Grygiel, who worked for Phillips, Preiss, Shapiro Associates, Inc. with the adoption of the Comprehensive Plan. He has been hired by Croton Overlook to help them through the process. Mr. Paul Grygiel sent a letter via email that explained what he was doing and does not see this as a conflict.

Mr. Steinmetz explained that he was a planner for the company that did the Comprehensive Plan for the Town. Since Mr. Paul Grygiel has concluded his work for the Town, Mr. Paul Grygiel does not feel it is a conflict. He wrote a letter to the Town Board disclosing this and had no response from the Town.

Councilman Bianco stated that he never saw a letter from Paul Grygiel.

Supervisor Siegel stated that it fell through the cracks and she apologizes.

Councilman Bianco requested to speak to Town Counsel in closed session regarding this issue.

Councilman Martorano stated that even though this is an age restricted project there is an opinion out there that allows 10% or more can be under that age restriction.

Mr. Steinmetz stated that the Fair Housing Act speaks to this statutorily.

Special Counsel Anna Georgiou stated that it is allowable if 80% of the households have at least one person 55 years of age or older, if you meet that threshold then you can restrict the entire development.

Mr. Steinmetz stated that you can allow a small portion and you do not have to discriminate 100%.

Mr. Steinmetz stated that the RSP-1 is a floating zone and this is in compliance with the Comprehensive Plan. If you all think that this project is blatantly inconsistent with the Comprehensive Plan, then tell us now. However, if you think that it is consistent with the Comprehensive Plan, then let's move forward.

Director of Planning John Tegeder stated that he views that the Comprehensive Plan put in flexibility for when the Town Board is looking at RSP-1 zones throughout the Town. That is very different then Croton Overlook is supported by the Comprehensive Plan and that speaks to how Mr. Paul Grygiel and his team will bring this up. How you treat this issue now will effect how others who come in later on will want to be treated. You need to look at this project as you would any rezone request.

Mr. Steinmetz stated that the draft scoping session is very close to a final scoping document and he would like to sit down with Planning Director John Tegeder, Environmental Consultant Bruce Barber and Acting Town Engineer Sharon Robinson and work out the details to come up with a final scope.

The applicant agreed to give the Town a one week extension.

PLANNING FOR INFRASTRUCTURE NEEDS AND OTHER CAPITAL PROJECTS

Supervisor Siegel along with Town Comptroller Joan Goldberg discussed with the Town Board the fund balance summary. So that the Town Board can plan for infrastructure needs and other capital projects.

Councilman Bianco asked how much was in the fund balance as of January 1, 2011.

Comptroller Joan Goldberg stated that as of January 1, 2011 the Town had 3.8 million in the fund balance.

Councilman Bianco stated that he wants it on the record that as of January 1, 2011 the Town had 3.8 million in surplus and as of January 1, 2010 there was 3.6 million.

Comptroller Goldberg stated that the purchase order system really did control expenses.

Comptroller Goldberg stated that we pulled in about \$360,000 over and above in revenues. Sales Tax was \$600,000, Property Tax Interest and Penalty was \$400,000 over. The expenditure highlights were shocking because we did not spend \$800,000 and \$200,000 was the Police Department, mainly because of vacancies. The Police Department did not exceed their overtime budget and this was due to some restructuring within the Police Department.

Comptroller Goldberg stated that the unreserved fund walking out of 2010 is 1.8 million. \$458,000 was transferred to capital because it was identified by the Town Board to be funded from fund balance. You could bond tax certioraris but she does not recommend doing that.

Councilman Bianco stated that this is why you have a surplus.

Comptroller Goldberg stated that the tax certioraris will be settled between this year and next and could cost up to 1.5 million.

Councilman Martorano stated that there is a best practice percentage that should be returned for infrastructure.

Comptroller Goldberg stated that it is hard to recommend percentages but one percent on the tax rate is typically recommended.

Councilman Bianco asked what affect the State Law for the 2% tax rate cap would mean to the Town.

Comptroller Goldberg stated that the Town would have to cut staff, there is no way you can make a 2% levy. You have to cover the cost of heating oil, gas, electricity and pension costs, etc.

Councilman Bianco stated that we need to know that if we plan to borrow money.

Supervisor Siegel stated that there are two questions for the Town Board. The first is a major project that cannot be borrowed for is Holland Sporting Club. The other is the HVAC System at the Justice Court which will come out of the 1.8 million in the unreserved fund.

Councilman Bianco asked why the Town could not bond for the Holland Sporting Club.

Comptroller Goldberg stated that you cannot bond for demolition because there is no useful life to it. She stated that if you demolished it and build something on it then you could. She stated that she checked with Bond Counsel Tom Myers regarding this issue.

Supervisor Siegel stated that you could look at the capital project lists and choose to bond for some of these items.

Residents of the Mohegan Lake area discussed with the Town Board their concerns with the condition of the Holland Sporting Club buildings and the need for them to be removed.

Councilman Martorano stated it is time to go out and get this done. It is blight and a nuisance and needs to be addressed.

The Town Board agreed to review the project list and discuss it further at the next Town Board work session.

PROPOSED HOUSING SET ASIDE AMENDMENTS TO ZONING ORDINANCE
RESOLUTION #137

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

Resolved, that the Town Board grants the Town Attorney time to review the Housing Set Aside Amendments to the Zoning Ordinance as proposed by the Community Housing Board.

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

NEPOTISM POLICY

Supervisor Siegel discussed with the Town Board changes to the Nepotism Policy. The revision to the policy is for seasonal and part-time employees.

The Town Board agreed to place this on the April 5, 2011 Town Board agenda.

CHARGES FOR TITLE SEARCHES AND LEGAL EXPENSES
TO BE IMPOSED ON PARCELS IN THE FORECLOSURE PETITION FILED UNDER
INDEX NO. 2480/11
RESOLUTION #138

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

RESOLVED, that the charges for title searches and legal expenses to be imposed on parcels included in the foreclosure petition filed under Index No. 2480/11, to be collected by the Tax Receiver, shall be \$275 per parcel; and be it further

RESOLVED, that the Tax Receiver shall waive such charge for parcels whose total liens (including 2010) at time of redemption total \$1,000 or less.

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

TOWN BOARD AGENDA

APRIL 5, 2011

The Town Board discussed the April 5, 2011 Town Board meeting agenda which will be held at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588. The televised meeting will begin at 7:30 P.M.

EXECUTIVE SESSION

Councilman Martorano motioned, seconded by Councilman Bianco, to move into Executive Session to discuss advice from Town Counsel.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown