

Regular meeting held by the Town Board,
Town of Yorktown on May 3, 2011 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

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 and Director of Planning John Tegeder were also present.

PLEDGE OF ALLEGIANCE

The Yorktown Police Honor Guard led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of men and women killed in the World Trade Center Buildings on September 11, 2011 by an attacked mastermind by Osama Bin Laden who was killed this weekend by members of the United States Seals.

POLICE DEPARTMENT PRESENTATIONS:

PROMOTION

POLICE SERGEANT – YORKTOWN POLICE DEPARTMENT

RESOLUTION #204

Upon motion by Councilman Martorano, seconded by Councilman Bianco,

BE IT RESOLVED, that Julianne M. Vicinanza is hereby appointed Police Sergeant, job class code 0133-01, from Eligible List No. 73-414, in the Police Department, effective May 4, 2011 to be paid from Yorktown PBA Salary Schedule, which is \$101,010.00 annually;

BE IT 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 May 4, 2011.

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

Police Chief Daniel McMahon provided the following background:

Officer Vicinanza is a graduate of Mercy College where she received a Bachelor of Science Degree in Criminal Justice and a double minor in Public Safety and Psychology.

He further stated that Officer Vicinanza began her career with the Yorktown Police Department in 1996. During her 15-year career she has been assigned to the Patrol Division and the Staff Division. Officer Vicinanza's most recent assignment has been the School Resource Officer at Lakeland Copper Beech Middle School.

Police McMahon stated that some of Officer Vicinanza's specialized training includes:

- A certified General Topics Instructor
- A certified School Resource Officer
- A certified D.A.R.E. Instructor
- A Sexual Abuse, Child Abuse and Domestic Violence Investigator

He ended his discussion by stating that Sgt. Vicinanza will attend a three-week supervisor school, followed by two weeks of in-service-training. On about June 6, Sgt. Vicinanza will be assigned as the Supervisor of a Patrol Squad, she will be filling a position that was vacated by the recent retirement of Sergeant Kurt Gullery.

Sgt. Vicinanza stated that she was truly humbled with the opportunities afforded her by the Yorktown Police Department. She thanked the members of the Town Board for this appointment. Ms. Vicinanza stated that she is proud to be of service to her community. She also thanked her family members including her husband and mother whom she says have been completely supportive of her career. She also thanked the members of the Yorktown Police Department whom she also called her family.

Chief McMahon handed out a number of Yorktown Police Department Awards, these are his words:

Sergeant Graham,

“On January 29, 2010 at about 12:00 noon, the department was notified of an activated burglar alarm at a residence on Birdsall Drive. Officers were dispatched to the scene and upon their initial investigation discovered forced entry. The Tour Sergeant, Detective and police K-9 units were also dispatched to the burglary scene.

Sergeant Graham began a check of the area and located two males standing at a bus stop on Saw Mill River Road. Sergeant Graham identified and interviewed the two male subjects and although he was suspicious of the statements made by the male subjects, at the time he did not have any evidence to detain them. The subjects were allowed to board the county bus and Sergeant Graham continued checking the area.

Sergeant Graham located a backpack that contained jewelry and electronic equipment, which he confirmed was taken from one of the burglarized residences. Additional evidence also linked the backpack to one of the male subjects. Sergeant Graham then located the transit bus and took the two male subjects into custody. The two subjects were later charged with Burglary Second Degree. More than \$20,000.00 worth of property was recovered from these two residential burglaries.

For his actions on January 29, 2010 in this investigation Sergeant James Graham is awarded the Yorktown Police Department's Meritorious Police Duty Award.

Police Officer Noone,

On the evening of January 29, 2011 Officer Ryan Noone was on patrol on Route Six in Shrub Oak, when he pulled over a vehicle for a minor traffic violation. When speaking with the driver and passenger, Officer Noone noticed that the occupants were very nervous and somewhat evasive. Officer Noone made some inquiries on the driver's identification and learned that the driver was wanted in the State of Florida for burglary and wanted in the State of Pennsylvania for fraud.

Officer Noone placed the driver under arrest and continued his investigation, and observed several credit cards with notes attached to them. He also found a credit card reader and a credit card writer. He also found clothing and electronic items from local retailers.

Further investigation and assistance from the United States Secret Service, it was determined that these two individuals would steal real credit card numbers and with the illegal equipment in their vehicle create duplicate credit cards and then go to local merchants and make bid ticket purchases with the duplicate credit cards. In most cases the real owner of the credit card account would not know about the fraudulent purchases until they received their credit card statement.

Both subjects were arrested for Criminal Possession of a Forged Instrument 2nd degree and Criminal Possession of a Forgery Device. The two subjects are suspects in credit card crimes in several states on the eastern seaboard.

For his actions on January 29, 2011 in this investigation Officer Ryan Noone is awarded the Yorktown Police Department's Meritorious Police Duty Award.

Detective Davis, Detective Shanahan and Community Service Worker Waterhouse

On April 7, 2009, the Department received a call from a Birdsall Drive resident who reported that when he returned home he could not locate his family dog who was left inside the residence for several hours. Upon searching the home the family found the dog deceased behind the washing machine. Responding Officers determined that the dog did not die of natural causes. Detectives were dispatched to the scene and through crime scene search located usable DNA evidence that was preserved.

An autopsy confirmed that the dog died of blunt trauma. In the months that followed Detectives Davis and Shanahan conducted numerous interviews with subjects that potentially had knowledge of the crime. The SPCA and Yorktown Community Service Worker James Waterhouse also assisted with the investigation. The investigation led to search warrants, subpoenas and court orders, the investigation led Detectives to one suspect, who happened to be a friend of one of the family members and refused to voluntarily give a DNA sample.

The break in this case came when the suspect in this case was arrested on an unrelated matter. As a result of this unrelated arrest the suspect had to give a DNA sample. This DNA sample matched the DNA sample taken from the family dog. On October 7, 2009, six months to the day after the crime was committed, the suspect was arrested and charged with: Criminal Trespass in the second degree and Aggravated Cruelty To An Animal.

For his actions during this six-month investigation Detective Davis is awarded the Yorktown Police Department's Excellent Police Duty Award.

For his actions during this six-month investigation Detective Shanahan is awarded the Yorktown Police Department's Excellent Police Duty Award.

For his actions during this six-month investigation Community Service Worker Waterhouse is awarded the Yorktown Police Department's Civilian Commendation Award.

Police Officer Paniccia,

On the evening of December 21, 2009 Officer Paniccia was dispatched to a residence on the report of an Emotional Disturbed Person. Upon his arrival the female resident told Officer Paniccia that her son was intoxicated and was very irrational. While Officer Paniccia was talking with the resident, the 40-year-old son emerged from a rear bedroom holding a large knife. Officer Paniccia shielded the resident to a safe area and then drew his service revolver and ordered the male to drop the knife. A brief standoff developed and Officer Paniccia continued talking and directing the subject to drop the knife. After several minutes the male subject did drop the knife and Officer Paniccia was able to take the subject into custody.

For his actions on evening of December 21, 2009 Officer Paniccia is awarded the Yorktown Police Department's Excellent Police Duty Award.

Detective Shanahan, Officers Scatola, Swart, Iacona

Priscilla Sorensen, Suzanne Rota, Tina Harbach, Richard Ulrich, Rich Harris and Anne Anderson

On the evening of August 2, 2008 the Department received a 9-1-1 call from a residence on Spring Meadow Road reporting that a teenager had drowned while swimming in a pool and was not breathing. Police units, Yorktown Paramedics and Yorktown Ambulance were immediately dispatched.

Upon Officers Scatola and Iacona arrival they found Priscilla Sorensen & Suzanne Rota performing CPR on an unresponsive 14-year-old male. Officer Scatola determined that the male subject was unconscious and had rapid, labored, shallow breathing. Officer Scatola administered oxygen, while Officer Iacona stabilized the head and neck to protect against worsening any spinal or neck injury the subject may have sustained.

Detective Shanahan, Officer Swart also arrived on the scene and assisted by reassuring shaken parents and children that were having a party at the residence.

Yorktown Paramedics Tina Harbach and Richard Ulrich then intubated the subject to assist his breathing and prepare him for transport.

Yorktown Ambulance Corp. members Anne Anderson and Rich Harris assisted the Paramedics with the subject's transport to the hospital.

After 17 hours on a respirator at the Westchester Medical Center the subject regained consciousness able to breathe on his own.

For his actions on the evening of August 2, 2008 Officer Scatola is awarded the Yorktown Police Department's Life Saving Award.

For their actions on the evening of August 2, 2008 Detective Shanahan, Officer Swart and Officer Iacona are awarded the Yorktown Police Department's Excellent Police Duty Award.

For their actions on the evening of August 2, 2008 Priscilla Sorensen and Suzanne Rota are awarded the Yorktown Police Department's Civilian Commendation Award.

For their actions on the evening of August 2, 2008 Paramedics Tina Harbach and Richard Ulrich and Yorktown Ambulance Corp. members' Anne Anderson and Rich Harris are awarded the Yorktown Police Department's Civilian Commendation Award.

Police Officer Christopher O'Rourke and Douglas Howell

On the morning of January 16, 2010 the Department received a report of a possible structure fire on Molly Pitcher Lane from Douglas Howell. Officer O'Rourke, who was patrolling Gomer Street, was dispatched to investigate a possible structure fire on Molly Pitcher Lane in Jefferson Village.

Officer O'Rourke knew from growing up in the area and being assigned to the Jefferson Valley area on a consistent basis, that the fastest way from his location to Molly Pitcher Lane was to park his patrol car on the dead end of Lewis Avenue and proceed on foot through the woods to Molly Pitcher Lane.

As Officer O'Rourke was running through the woods, he reported heavy smoke and flames coming from a condo unit on Molly Pitcher Lane. The reporting person, Douglas Howell advised Officer O'Rourke that he located the two elderly residents and was able to escort the female outside, but the male resident was injured and could not move. The residence was fully engulfed in flames, with molten tar spraying from the roof. Officer O'Rourke and Douglas Howell entered the residence and physically removed the male subject from his residence and moved him to safety. Officer O'Rourke and Douglas Howell went door to door notifying other resident to evacuate their homes. The two residents were transported to Hudson Valley Hospital and treated for their injuries and were subsequently released from the hospital. Officer O'Rourke was treated and released for some burns he sustained.

Officer O'Rourke noted in his report that "without Douglas Howell's reporting of the fire and his assistance at the scene, this could have been a fatal fire."

For his actions on the morning of January 16, 2011 Officer O'Rourke is awarded the Yorktown Police Department's Life Saving Award.

For his actions on the morning of January 16, 2011 Douglas Howell is awarded the Yorktown Police Department's Civilian Commendation Award".

APPOINTMENT

SENIOR AUTOMOTIVE MECHANIC

DANIEL G. MORAN - HIGHWAY DEPARTMENT

RESOLUTION #205

Upon motion by Councilman Martorano, seconded by Councilman Bianco,

BE IT RESOLVED, that Daniel G. Moran is hereby appointed Senior Automotive Mechanic, job class code 0484-02, in the Highway Department, effective May 4, 2011, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 4 which is \$62,916.00 annually;

BE IT 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 May 4, 2011.

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

APPOINTMENT

LEAD MAINTENANCE MECHANIC

CHARLES J. VILARINO - HIGHWAY DEPARTMENT

RESOLUTION #206

Upon motion by Councilman Martorano, seconded by Councilman Bianco,

BE IT RESOLVED, that Charles J. Vilarino is hereby appointed Lead Maintenance Mechanic (Automotive), job class code 0480-02, in the Highway Department, effective May 4, 2011, to be paid from Yorktown CSEA Salary Schedule A, Group 15, Step 4 which is \$69,787.00 annually;

BE IT 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 May 4, 2011.

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

APPOINTMENT ALTERANTE MEMBER

STUART WADLER - PARKS & RECREATION COMMISSION

RESOLUTION #207

Upon motion by Councilman Martorano, seconded by Councilman Bianco,

BE IT RESOLVED, that Stuart Wadler of Yorktown is hereby appointed to the Parks and Recreation Commission as an alternate to fill an unexpired term expiring on December 31, 2016.

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

Mr. Wadler stated that he moved to the Town of Yorktown in 1971. He owned a CPA firm and is currently employed by Westchester County in the Parks Department. He is looking forward to serving his community.

Mr. Joseph Falcone, Chairman of the Recreation Commission welcomed Mr. Wadler and invited the community to attend the opening of the Woodlands Legacy Field tomorrow.

DURING THE SUPERVISOR'S REPORT TO THE TOWN,

Supervisor Siegel made several announcements; including the fact that there are openings on the Landmarks Preservation Commission, the Advisory Committee on Open Space, the Conservation Board, ABACA and the Tree Preservation Commission.

May 14, 2011 will mark the 22nd anniversary of Community Day in Yorktown. The event will take place at Mildred Strang Middle School.

The Woodlands Legacy Field opens tomorrow at 10:00AM.

The Town of Yorktown will celebrate Arbor Day on Friday at 3:00PM at Patriots Garden.

The new room at the Teen Center was officially opened yesterday.

DURING REPORTS FROM TOWN COUNCIL,

Councilman Bianco announced that the Senior Advisory Committee will hold at Fundraiser at Traveler's Rest on May 25, 2011.

Councilman Martorano stated that he was pleased to attend the opening of the Teen Center. He congratulated all of the members of the Yorktown Police Department who received awards as well as the people who helped them out.

Councilman Murphy announced that the Police Department received over fifty pounds of prescription medication on Saturday during the DARE fundraiser. The Councilman also acknowledged that two members of the Police Department who were also being considered for Sergeant showed up to support their colleague.

Councilman Patel stated that May is Military Month. He further stated that freedom is not free because there are now more than one million men and women serving in the armed forces in this country and around the world to protect us. Councilman Patel also stated that the Town needs volunteers to plant flowers around the Town.

COURTESY OF THE FLOOR

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

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Representatives of the Relay for Life Committee in Yorktown thanked the Town Board of their support. They also stated that Friday is "Paint the Town Purple Day." The goal of painting the town purple is to encourage residents to form teams. We will also be hosting "Dancing with the Yorktown Stars" Friday evening at Piatto Grill.

Mr. John Tegeder, Yorktown's Planning Director stated that Patriot Garden received a Planning Achievement Award from the Westchester County Planning Federation. It will be handed out at their Annual Dinner on June 2, 2011.

Mr. Chris Schera stated that he had hoped that Yorktown was becoming a "business friendly" community. He worked with the owner of St. George's Winery to obtain a Special Use Permit. At the end of the process we were hit with a \$9,000 legal bill. He wants to have the bill clarified.

Mr. Edward Killeen stated that he was concerned with how the Westchester Board of Legislatures was attempting to gerrymander the Town of Yorktown. The argument they have put forth is that the district will follow the line of the Lakeland School District. Yorktown is one Town and we want to be represented by one Legislator. He suggested that the Town do something before the vote on the re-districting takes place.

Mrs. Ann Kutter, announced that the Town of Yorktown will hold its first Annual Arbor Day Celebration on Friday, May 6, 2011 at Patriot Garden which is next to Town Hall. This ceremony will fulfill the final requirement to become a member of Tree City USA.

Mr. William Keller, a member of the Arbor Day Committee and Chairman of the Tree Preservation Advisory Commission thanked Ann Kutter, Lorraine DeSisto and John Tegeder for their help in coordinating the Arbor Day Celebration. He also thanked various community groups for their donations that will be used to purchase tree saplings to be given out at the event. Mr. Keller also thanked Zino's Nursery and Con Ed for donating trees that will be planted in Patriot Garden.

Mrs. Michelle Beatty urged the Town Board to close the Public Hearing and to vote on the proposal to rezone property in Shrub Oak tonight. She also asked that they turn the proposal down.

Mrs. Mary Gallagher-Craig wanted a response to a letter that she wrote to the members of the Town Board stating that a neighboring parcel is violating various sections of the Town Code.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to comments and questions posed as follows:

To Mr. Schera - The Town Board is working to make this community business friendly. Legal fees were part of the Master Fee Schedule. Anytime an applicant asks for a breakdown of the fees, it should be available.

To Michele Beatty - The Town Board is going to deal with the Shrub Oak rezoning tonight.

To Mary Gallagher-Craig -She is in the process of getting better informed about the situation.

Councilman Bianco responded to comments and questions posed as follows:

To Mr. Schera – The Town Board went into the direction of not employing three full time Town Attorney's which we did in the past. So, the applicant now has to pay these fees.

To Mr. Killeen – You are absolutely correct. The Board of Legislators is in the process of redistricting Westchester County. Later tonight, I will ask the Town Board to send a resolution to the Board of Legislators condemning their action.

To Mary Gallagher-Craig – We did address the issue you wrote about several years ago, the business is a non-conforming use.

Councilman Martorano responded to comments and questions posed as follows:

To Mr. Schera – He was concerned about the law that permitted outside attorney's to charge fees. The Councilman congratulated the members of the Arbor Day for all of their hard work.

Councilman Murphy responded to comments and questions posed as follows:

To Mr. Killeen – Thank you for bringing the redistricting to the Board's attention. He also believed that we should keep our districts whole. County Legislative District #4 is made up of a portion of the Town of Yorktown, The Town of Somers and the Town of New Castle. The new district will incorporate a portion of the Town of Cortlandt.

Councilman Patel responded to comments and questions posed as follows:

He congratulated the Arbor Day Committee.

Supervisor Siegel explained how the Master Fee Schedule worked.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275-4 PARKING, A-NO PARKING
ZONE- DECATUR ROAD, BOTH SIDES, FROM A POINT 100' EAST OF CABOT
LANE TO THE END OF THE CUL-DE-SAC

Supervisor Siegel called to order a public hearing to amend Chapter 275-4 Parking, A-No Parking Zone- Decatur Road, both sides from a point 100' East of Cabot Lane to the end of the Cul-de-sac. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel explained that this proposal is being considered at the request of the neighbors who live near the Holland Sporting Club.

Mr. Alan Mose, a resident of the area spoke in favor of the proposal stating that placing no parking signs at the end of Decatur Road is essential. In addition to neighbors in the area, the proposal has the support of the Chief of Police and Larry Eidelman, the traffic safety officer.

Mr. Ken Belfer, President of the Mohegan Improvement District stated that he strongly supports the passage of this proposed law. He further stated that he will have to contact the Police Department since the Improvement District uses this area to park when they work on the beach.

Supervisor Siegel stated that something can be worked out with the Mohegan Improvement District.

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

LOCAL LAW #4 OF 2011 AMENDING CHAPTER 275-4 PARKING, A-NO PARKING
ZONE- DECATUR ROAD, BOTH SIDES, FROM A POINT 100' EAST OF CABOT
LANE TO THE END OF THE CUL-DE-SAC
RESOLUTION #208

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, a public hearing was held on the 3rd day of May, 2011 pursuant to notice duly published as required by law to consider amending Chapter 275-4 the Code of the Town of Yorktown with regards to Parking, A-No Parking Zone- Decatur Road, both sides from a point 100' East of Cabot Lane to the end of the Cul-de-sac.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Siegel	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Bianco	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye

Local Law #4/2011 was thereupon declared adopted.

RECONVENE PUBLIC HEARING
PROPOSED ZONING CHANGES ASSOCIATED WITH THE COMPREHENSIVE PLAN

Supervisor Siegel called to order a public hearing to amend Chapter 300, Section 300-6 of the Code of the Town of Yorktown with regards to the Zoning map. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel stated that she has been advised by the Town Attorney that in order to adopt this local law there must be a super majority vote.

Mrs. Eve Wool, a twenty year resident of Yorktown asked if the Lakeland School District was made aware of this proposal. According to the latest study the cost per pupil in the school district is \$21,571.00. If these are two bedroom apartment, there may potentially be two children in each apartment. Mrs. Wool further stated that this concept could potentially be a can of worms for the residents of Yorktown. If it could happen in Shrub Oak, then it could happen anywhere in Town. This is a scary thought for the future, East Main Street is already a very busy road.

Mr. Ken Belfer, Chairman of the Yorktown Community Housing Board stated that there has been a lot of misinformation concerning this proposal. There will be no low income housing in this development. It will also not alter the footprint of the existing shopping center. Most units will be studio apartments. If this type of proposal is ever considered again, there needs to be a real dialogue with the community. Mr. Belfer further stated that a lot has been said about Yorktown Heights where there are apartments above stores, why not Shrub Oak.

Mr. Edward Killeen stated that the most respected person in the Town of Yorktown is Ken Belfer, a man whom he has the highest regard for. But, he too wanted to set the record straight. No one ever said anything about low income apartments. We did speak about the amount of taxes paid by the owners of single family homes versus apartment buildings. As far as misconceptions, he believes that the Town of Yorktown is at fault. We have not been shown any maps nor have there been a formal presentation of this proposal. If the people of Shrub Oak are misinformed, then it is because of the lack of information coming from the Town. Mr. Killeen further stated that Shrub Oak houses 75% of the multi-family units in the Town of Yorktown. He looked at the Multiple Listing Service for rents in his area and found that they range from \$500 - \$2500.

Mrs. Judith Bernstein, a resident of the Hunterbrook section of the Town of Yorktown read a two page letter, a copy of which is included in the local law file, asking the Town Board leave her zoning at two acres rather than up-zoning it to four acres. The letter states that she and her husband surveyed the homes in her neighborhood. They drove north along Hunterbrook Road and then south along Hunterbrook Road. What they found was that every home, whether it was a part of a sub-division or stood alone is zoned RI80 or two acres. She also presented a petition to the Town Board asking that the vote on her parcel be a super majority vote.

Supervisor Siegel stated that there was no need for Mrs. Bernstein to present another petition. Since her property is part of the same local law as the parcels in Shrub Oak, the petition presented by the residents of Shrub Oak would also cover her property.

Mr. Anthony Grasso spoke in opposition to the proposal. He told the Town Board that Shrub Oak is a highly congested area; that should be your first thought. The second issue that you must consider is the flooding situation in the area. He said changing the zoning in this area to allow additional apartments is wrong. Mr. Grasso called this proposal spot zoning. Last week, he went to the Assessor's Office and learned the following about taxes; 78% of the taxes in the Town of Yorktown are paid by single family homes, 10% by businesses, 4% by condos and 4% by utility companies.

Mr. Ray Arnold stated when considering the proposal on Hunterbrook Road, what also should be considered is that fewer homes will result in less traffic.

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

The Board called for discussion:

Councilman Bianco read a letter sent to Supervisor Siegel dated May 2 asking that the Board withdraw the rezoning of Gambrell Village from the agenda on May 3rd. He also thanked the people of Shrub Oak for coming to the public hearings. He thanked Planning Director and Ken Belfer, Chairman of the Community Housing Board for their work on this proposal. He spoke in opposition to this proposal, and ended by stating that he will vote against the proposal.

Councilman Martorano also spoke against this proposal. He thanked Ken Belfer for his hard work on behalf of the Town of Yorktown.

Councilman Patel stated that young people just graduating college need apartments to live in and they cannot afford the ones on the market today. He will be voting in favor of the proposal.

Councilman Murphy stated that it is his job to listen to the people. We heard from people in Shrub Oak saying that this proposal was not good for the area. We heard from Mrs. Bernstein who wants to be left alone. What more needs to be said.

Supervisor Siegel stated that everyone has raised legitimate issues that would normally come under the site plan approval process. She read a portion of the Findings Statement which states that “the Town Board finds that allowing residential apartments above commercial space in all hamlet centers will not increase impacts over the Future Baseline Conditions but many in fact reduce them, since second-floor commercial floor space would generate more traffic and parking demand than would residential apartments.” This rezoning was proposed to conform to the adopted Comprehensive Plan.

LOCAL LAW AMENDING CHAPTER 300
ZONING CHANGES ASSOCIATED WITH THE COMPREHENSIVE PLAN
RESOLUTION #209

Upon motion by Supervisor Siegel, seconded by Councilman Bianco,

WHEREAS, a public hearing was held on the 3rd day of May, 2011 pursuant to notice duly published as required by law to consider amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown with regards to the Zoning Map.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Siegel	Voting Aye
Councilman Martorano	Voting Nay
Councilman Bianco	Voting Nay
Councilman Murphy	Voting Nay
Councilman Patel	Voting Aye

Local Law Denied

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING VARIOUS SECTIONS OF CHAPTER 45 –
ETHICS AND NEW ETHICS DISCLOSURE STATEMENT

Supervisor Siegel called to order a public hearing to amend various sections of Chapter 45 of the Code of the Town of Yorktown with regards to Ethics. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel introduced Laurie Noonan, a member of the Ethics Board who read The Ethics Committee Mission Statement.

Mr. Robert Garofalo presented an overview of the amendments to the current code including the reasons for the new Ethics Disclosure Form. The form came from the New York State Bar Association.

Mr. Ira Foreman, also a member of the Ethics Board that insuring privacy is paramount. The Committee is currently working on a protocol that will be used when they get these forms from the Town Clerk's Office.

Mr. Ray Arnold read portions of a six page letter (a copy of which is in the Local Law folder) concerning this subject. It begins by stating "The Board would not be doing its job, if you hire, or appoint people that you cannot trust to be ethical. No such document would have prevented ex-Senator Liebell; the Highway Superintendent from a Town in Putnam County, or that gal from Yonkers with that bribe for the Zoning change; nor any other recently published allegations from doing what they did. I have been in and around this governmental body probably longer than most of you combined, and I can't recall any incident that would warrant such an invasion of privacy; not only such an invasion, but the ability to circulate such information to either the general public or to individuals."

Mr. Edward Killeen stated that he served the Town of Yorktown for fifteen years on volunteer boards. He feels the request for financial information is onerous. No amount of paperwork will stop someone from being un-ethical. What you will be doing is restricting a lot of good people who wish to serve the Town of Yorktown from doing so.

Mr. Anthony Grasso stated that he has no problem with a Board asking someone to fill out a financial statement, but he cannot see bringing family into it. He is opposed to the Ethics Committee being the gatekeeper. He suggests that the Town Board make a few changes to the proposal. Mr. Grasso also stated that the Ethics Committee may have gotten this financial disclosure form from the Bar Association. But, this was a statement that was being reviewed by a small sub-committee. When the Board voted on the form, it was defeated.

Mr. Edward Ciffone, a 40 year resident of Yorktown stated that all ethics complaints should start with the Ethics Board.

Mr. Dan McMahon, Chief of Police stated that he has no objections to the Ethics Committee or how stringent the regulations are. I do have a problem with information you are asking about relatives. It is their business. If there are weaknesses in the current ethics law, then it should be strengthened. But, this law has gone too far. Chief McMahon stated that his primary concern is privacy.

Mr. Robert Garofalo stated that nothing is going to be electronically stored in a computer. The forms will be collected by the Town Clerk and reviewed by the Ethics Committee. As far as why we are asking for information on relatives; in the past people have hidden stuff through family members.

Councilman Bianco asked why the Ethics Board had to review the statements.

Mr. Garofalo stated that we have to make sure that they were filled out properly. In the past, we do not believe they were filled out completely.

Councilman Bianco also stated that he was troubled by bringing family into this issue.

Town Attorney Jeannette Koster stated that the Ethics Board has recently considered adding the Chairman to the list of people who should fill out these statements.

Councilman Martorano had a discussion with Mr. Garofalo about his statements on checks and balances and the need for the Ethics Board to be the gatekeeper.

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

ADVERTISE PUBLIC HEARING
REQUESTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS
RESOLUTION #210

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

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 17th day of May, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider the proposed application relating to Community Block Development Grants.

A copy of said application 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, Bianco, Martorano, Murphy, Patel Voting Aye
Resolution adopted.

ADVERTISE BID
RESIDENTIAL GARBAGE & RECYCLABLE MATERIAL COLLECTION AND
DISPOSAL
RESOLUTION #211

Upon motion 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 Thursday, May 26, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Residential Garbage & Recyclable Material Collection and Disposal Bid.

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

AWARD BID
SUMMER CAMP BUS – PARKS & RECREATION
RESOLUTION #212

Upon motion by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on May 2, 2011, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$6,820.00 (1 bus) / \$13,640.00 (2 buses)
2	Baumann & Sons Buses, Inc.	\$6,599.56 (1 bus) / \$13,199.12 (2 buses)
3	J & R Tours	No Bid
4	JTR Transportation	No Bid
5	Chappaqua Dutchess Transportation	No Bid
6	Hudson Valley Transportation	No Bid

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$1,725.00 (1 bus) / \$3,450.00 (2 buses)
2	Baumann & Sons Buses, Inc.	\$3,449.54 (1 bus) / \$6,899.08 (2 buses)
3	J & R Tours	No Bid
4	JTR Transportation	No Bid
5	Chappaqua Dutchess Transportation	No Bid
6	Hudson Valley Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section I. A. (School Buses for Swimming Program) and Section I. B (School Buses for Extended Day Program) be combined and is hereby awarded to Royal Coach the lowest responsible bidder.

Section I. C (School Buses for Trips)

1	Baumann & Sons Buses, Inc.	\$10,111.16
2	Royal Coach Lines, Inc.	\$10,915.00
3	J & R Tours	No Bid
4	JTR Transportation	No Bid
5	Chappaqua Dutchess Transportation	No Bid
6	Hudson Valley Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section I. C (School Buses for Trips) be and is hereby awarded to Baumann & Sons Buses, Inc. the lowest responsible bidder.

Section II (Coach Buses for Trips)

	COMPANY	BID
1	Chappaqua Dutchess Transportation	\$12,225.00
2	Hudson Valley Transportation	\$12,300.00
3	JTR Transportation	\$12,600.00
4	J & R Tours	\$13,875.00
5	Baumann & Sons Buses, Inc.	\$15,300.00
6	Royal Coach Lines, Inc.	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section II. (Coach Buses for Trips) be and is hereby awarded to Chappaqua Dutchess Transportation the lowest responsible bidder.

AND BE IT FURTHER

RESOLVED, the results of sections I and II, is hereby awarded to Royal Coach Lines, Inc. and will amount to approximately: (please note – trips may change due to scheduling changes/conflicts/weather etc. Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) and Section I.B (1 bus) to Royal Coach Lines = \$15,365.00
Section I.C to Baumann & Sons Buses, Inc. = \$10,111.16
Section II to Chappaqua Dutchess Transportation = \$12,225.00

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

REFERRAL

PROPOSED LOCAL LAW TO ADD A NEW CHAPTER 102
RESOLUTION #213

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

RESOLVED, that the Town Clerk is hereby authorize to refer a Proposed Local Law creating Chapter 102 of the Town of Yorktown entitled Affordable Housing to the list of agencies listed below for their review and recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

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

APPROVE \$600,000 BUDGET TRANSFER FOR TAX CERTIORARIS
RESOLUTION #214

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

Whereas, after Town Board discussion on April 26, 2011, and After input from both the Town Comptroller and the Town Assessor, The Town Board hereby authorizes the Town Comptroller to create a fund balance reserved for tax certiorari, and Be It Resolved, the Town Board authorizes the transfer of \$600,000 from Unreserved Fund Balance to Fund Balance Reserved for Certiorari, effective 12/31/10.

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

AUTHORIZE WATER METER PROJECT FUNDED BY WATER DISTRICT RESERVES
RESOLUTION #215

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

Whereas, upon recommendation of the Water Distribution Superintendent, the capital project Flexnet Meters Phase I is hereby authorized at \$1,000,000, to be funded from the Consolidated Water District Unreserved Fund Balance. As such, the following budget transfer is hereby approved:

Increase:	SW 1002 Appropriated Fund Balance	\$1,000,000
Increase:	SW 8340.483 Capital Projects	\$1,000,000

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

AMEND BID AWARD DATED APRIL 5, 2011 TO E.J. PRESCOTT FOR ELECTRONIC WATER METERS
RESOLUTION #216

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

Whereas, on April 5, 2011, the Town Board awarded a bid for cold water meters with electronic encoder registers and rapid read systems to E.J. Prescott Inc, and

Whereas the resolution read that upon the recommendation of the Water Distribution Superintendent, David Rambo, the bid of \$148,688.01 per unit cost for the purchase of cold water meters with electronic encoder registers and rapid read systems is hereby awarded to:

E.J. Prescott Inc.
198 Ushers Road
Round Lake, NY 12151

Now, Therefore, Be It Resolved, that the resolution should have stated that upon recommendation of the Water Distribution Superintendent, David Rambo, the bid shall be awarded to E.J. Prescott Inc, in accordance with the attached price list.

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

APPROVE BOND AND FEE ACCEPTANCE FOR #WP-E-010-10 AND #WP-T-019-11
RESOLUTION #217

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

WHEREAS, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44958 in the amount of \$25,000.00, to serve as the Wetland and Tree Bond which will be held for a five-year period, for the Creative Living Site Plan located on Navajo Road, and

WHEREAS, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44957 in the amount of \$15,000.00, to serve as the Erosion Control Bond for the Creative Living Site Plan, and

WHEREAS, C.J. Diven as applicant, provided the Town with Check #4491 in the amount of \$5,000.00, to serve as the construction monitoring escrow fee for the Creative Living Site Plan, and

WHEREAS, C.J. Diven as applicant, provided the Town with Check #4492 in the amount of \$7,375.00, to serve as escrow monies for the town's wetland consultant for review of the Creative Living Site Plan, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced site plan.

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

EXTEND BID
HVAC MAINTENANCE AND REPAIR SERVICES
RESOLUTION #218

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

WHEREAS, bids for the HVAC Maintenance and Repair Services for the Town of Yorktown was duly advertised; and

WHEREAS, said bid were received and opened on June 21, 2010, with the bid amounts for the above referenced project summarized below:

Company Name	Regular Hourly Rate	Over-time Hourly Rate	Sunday/Holiday Hourly Rate from Trade Service Publication	Equip. Discount
Clean-Air Quality Service 161 Brady Ave. Hawthorne, NY 10532	\$116.00	\$174.00	\$232.00	10%
D.P. Wolff 143 Bedford Rd. Katonah, NY 10536	\$117.40	\$176.10	\$234.80	10%
Metro-Aire, Inc. 122 N. Broad St. Peekskill, NY 10566	\$122.00	\$183.00	\$244.00	10%
Sun-Dance Energy Contractors, Inc. d/b/a Markley Mechanical 424 Central Ave. Peekskill, NY 10566	\$119.50	\$160.00	\$240.00	10%

WHEREAS, the Town has the option to extend said bid for one additional period of twelve months upon same terms and conditions as are contained in the contract at the time said option is exercised; and

WHEREAS, said bid commenced July 1, 2010 through June 30, 2011 with option for one additional year; NOW THEREFORE BE IT

RESOLVED, that the Superintendent of Environmental Conservation Patrick Lofaro hereby recommends to the Town Board that the Town exercise its option to renew the contract for one additional year, per the terms of the bid; and be it

FURTHER RESOLVED, the date of the extension will commence July 1, 2011 through to June 30, 2012.

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT WITH AT&T TO GOVERN THE RELOCATION OF A BURIED CABLE
RESOLUTION #219

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

WHEREAS, AT&T is a grantee of an Easement granted by the Town dated April 5, 1968, recorded in Liber 6792, Page 521, County of Westchester, State of New York (the "Easement") and AT&T has a buried cable located in the Easement; and

WHEREAS, the Town and AT&T entered into a Stipulation of Settlement ("Stipulation") dated on or about November 3, 1992, to settle litigation between them captioned Town of Yorktown v. American Telephone & Telegraph, Index No. 6222/91 (NY Sup.Ct. App. Div. 2d Dept.), which Stipulation concerns the relocation of the buried cable; and

WHEREAS, Mongero Properties, LLC, a developer (“Mongero”), has made an application to the Town seeking to develop a parcel of real property fronting on Downing Drive, including the construction of a street on a segment of the mapped bed of Downing Drive within the Easement; and

WHEREAS, AT&T’s cable must be moved and encased in order to permit Mongero to construct the road segment on Downing Drive; and

WHEREAS, Mongero has provided the Town \$70,000 to hold in an escrow fund pursuant to an escrow agreement with the Town, from which fund the Town will draw to pay AT&T up to \$70,000 for the development of this segment of Downing Drive in accordance with the Stipulation;

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement and encroachment permit with AT&T to govern such relocation work and payment by the Town to AT&T pursuant to the Stipulation.

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

DECLARE CERTAIN TOWN-OWNED PARCELS AS PARKLAND
RESOLUTION #220

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

WHEREAS, Town Law Section 64 allows a town to acquire, in the manner provided by law any lands or rights therein, either within or outside the town boundaries, real property required for any public purpose and Article 11 of the Real Property Tax Law allows a town to acquire real property through in rem foreclosure; and

WHEREAS, the Town of Yorktown has come into the ownership of certain parcels of property through purchase and/or in rem foreclosure; and

WHEREAS, a review by the Town of Yorktown has determined that these properties are appropriate for parkland; and

WHEREAS, the Town Board finds that dedication of these parcels is in the public interest and is consistent with the Town’s policy with respect to the acquisition and preservation of parkland, be it

RESOLVED, the Town of Yorktown does hereby formally dedicate the following parcels as public parkland:

<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>
48.11	3	68	(No number) Dorchester Drive
37.18	2	53	191 Loder Road
Siegel, Bianco, Martorano, Murphy, Patel Voting Aye Resolution adopted.			
37.06	1	12	2265 Van Cortlandt Circle

TOWN BOARD DEMANDS THAT THE WESTCHESTER COUNTY LEGISLATIVE
DISTRICT BOUNDARIES REMAIN THE SAME
RESOLUTION #221

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

BE IT RESOLVED that the Town Board of the Town of Yorktown demands that the boundaries of County Legislative District No. 1 and County Legislative District No.4 remain the same.

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

EMPLOYEES CONSIDERED FOR PROMOTIONAL INTERVIEWS WILL NOT BE PAID OVERTIME
RESOLUTION #222

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

RESOLVED, that it is the position of the Yorktown Town Board that when employees wishing to be considered for promotional interviews meet with the Town Board, that it is not appropriate for employees to put in a request for overtime if their interview is scheduled after their regular working hours.

Councilman Martorano stated that this has become an issue because three police officers who were interviewed for promotion put in for overtime. He wanted to know from the Chief of Police whether this was part of the union agreement.

Police Chief McMahon stated that the PBA Contract with the Town of Yorktown states that an officer's hours cannot be changed without seven days' notice. He further stated that the Town Board, on a Wednesday night instructed him to have the three candidates at their next meeting which was Tuesday, 6 days. One officer was on vacation and the other two had worked the day tour. He further stated that if the Town Board wanted to meet with the officers they had ample time between February 15th when I gave you the three names, and today to do so. The Chief reminded the Town Board that the Police Department's Building was not that far from Town Hall, they could have come over and done interviews in his building.

Councilman Martorano stated that this is an issue that will probably end up with Labor Counsel and he believes that the resolution that Susan has prepared should be a part of union negotiations.

Siegel, Bianco, Patel	Voting	Aye
Martorano	Voting	Nay
Murphy	Voting	Abstain

Resolution adopted.

WATER DEPARTMENT REFUND
RESOLUTION #223

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

RESOLVED, that Elizabeth Silverman of 1191 Williams Drive paid \$2,100 for a 1 ½" water tap application, it was later determined that a 1" water service line would be sufficient, the difference in cost is \$225.00, Now

Therefore Be It Resolved, that upon the recommendation of the Water Distribution Superintendent David Rambo, Elizabeth Silverman be reimbursed \$225.00.

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

COURTESY OF THE FLOOR

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

Mr. Ray Arnold handed the Town Board a letter, a copy of which is on file and asked the Town Board to read it. The letter reads in part "Board does not like to hear from me, since over the past 15 months, I have emailed to all, quiet comments about various subjects you have had under consideration. I have received very little to none acknowledgement of receipt of such emails. Though you may not agree with my input, your lack of such action is an act of discourtesy. I had expected more. I guess I was expecting too much."

Mr. Chris Schera stated that he hopes the Town Board will find a way to resolve his issue and make sure that it doesn't happen to anyone else.

Mr. Edward Killeen thanked the Town Board members for listening to the residents of Shrub Oak. He also thanked the Town Board for adopting a resolution that will be sent to the Board of Legislators opposing the redistricting.

COURTESY OF THE FLOOR IS CLOSED

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown