

Regular meeting held by the Town Board,
Town of Yorktown on July 5, 2011 held at
Sparkle Lake Park, 176 Granite Springs Road, Yorktown Heights, NY 10598

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

Absent: Terrence Murphy, Councilman

TOWN BOARD MEETING

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

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 made several announcements:

The New York State Department of Transportation announced that paving along Route 202 will resume within the next few weeks. There was a technical problem which caused them to issue a Stop Work Order. The problem has been resolved.

Supervisor Siegel spoke about the recent 2% tax cap legislation approved by both houses of the New State Legislature. Reading from prepared remarks, she explained how the legislation differs from a tax levy.

The Supervisor provided answers to questions posed by Mr. Howard Frank at the June 21st meeting of the Town Board regarding the Yorktown's 30% water loss in 2010. The Supervisor explained that last year a Water Leak Detection Survey was done. 17 water leaks, resulting in a loss of 218,000 gallons of water a day were discovered. Unfortunately, the survey was done after the Annual Drinking Water Quality Report for 2010 was prepared. The Supervisor further stated that there were also 29 water main breaks in 2010, one of them, near the Amawalk Plant was very large. The Water Department has increased the amount of hydrant flushing it does on an annual basis. The Town of Cortlandt Water Meter Pit on Lexington Avenue and Route 202 has been broken since 2008. We have been estimating the costs to Cortlandt since then. The Supervisor further stated that the Water Distribution Superintendent has learned that there is another Water Meter Pit in Cortlandt which is newer, and has never been used. He is conducting an investigation into why the new pit can't be used.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco welcomed everyone to Sparkle Lake. He also stated that he was shocked to learn about the 30% water loss. Several years ago, the water loss was down to less than 20%.

Councilman Patel spoke about his trip to West Point on July 4th.

APPROVE MINUTES FROM JUNE 21, 2011 MEETING

RESOLUTION #320

CORRECTION TO MINUTES FROM JUNE 21, 2011 MEETING

Upon Motion by Supervisor Siegel, Seconded by Councilman Bianco,

Approve change under Executive Session from a discussion regarding personnel to a discussion regarding the Draft Audit.

Siegel, Bianco, Martorano, 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. Steve Gardner a resident of the Sparkle Lake area stated that we have had a number of thunderstorms this year which has caused the embankment behind the beach at Sparkle Lake to wash out. He believes this occurs because there are no curbs on the road above the embankment which would direct the water into the catch basins.

Mr. Howard Frank thanked the Supervisor for her response to his questions. But, one of them were not answered. How much water is used in the plant for processing? He feels the Town might be eligible for a credit because of all of the sludge that comes out of the plant. Mr. Frank also asked that the Monthly Reports from the Building Department be read aloud before they are accepted by the Town Board.

Mr. Gil Kaufman stated that the bids for renovation work at the Yorktown Community and Cultural Center were opened some time ago. When are the results going to be made public?

Mr. John Cito, stated that when the Town Board holds its meetings out of doors, the background noise drowns out the sound from the Town Board. You need to go back to Town Hall for your meetings.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel provided the following responses:

To Mr. Gardner:

The Parks and Recreation Department became aware of the problem with the embankment this year. They believe the problem occurred after the vegetation that was on the slope was taken away and replaced with mulch. Parks and Recreation Superintendent Jennifer Fava is working with representatives from Cornell University's Cooperative Extension Program to find out what is the appropriate vegetation to place in the area.

To Mr. Frank:

The water loss at the plant is approximately 2-3%. The loss is divided between Yorktown Somers, Cortlandt and Montrose. The Northern Westchester Joint Water Works has hired a new Operations Manager who has been coming up with plans for the plant that will save money.

Supervisor Siegel stated that she will read the Monthly Reports from the Building Department.

To Mr. Kaufman:

There are some concerns regarding the bid for the renovation work at the YCCC. We have some concerns that the low bidder is really low. The second lowest bidder has challenged the bid process. We are checking with our attorney to see if the bid process must be voided.

Planning Director John Tegeder added that the results of the bid are public.

To Mr. Cito:

She agrees that the meetings should be held in Town Hall because at times they create logistical problems. The Board did not agree with her.

Councilman Vishnu Patel congratulated the Lions Club on their 50th Anniversary. They held a wonderful celebration at Ceola Manor last Saturday. July 10th is the date of the next Concert at the Gazebo which is co-sponsored by the Lions Club and the Town of Yorktown. Councilman Patel also thanked the many volunteers who have taken the time to help plant the flowers in the planters along Commerce Street. He also thanked them for helping to place the American Flag in these planters as well. Councilman Patel asked that everyone refrain from taking the flowers out of the planters or putting garbage into the planters.

Councilman Bianco announced that New York State Senator Greg Ball has secured money to pay for work on ball fields on Route 202 and the hockey rink at Shrub Oak Park.

APPOINTMENT

JOHN WINTER – YORKTOWN BUILDING INSPECTOR

RESOLUTION #321

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

BE IT RESOLVED, that John P. Winter of Katonah, NY, is hereby appointed Building Inspector, job class code 0518-01, effective July 5, 2011, to be paid \$100,000.00 annually, with four weeks of annual vacation, and for other benefits, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, that John P. Winter will have the use of a Town vehicle to take home, which can only be used when conducting Town business,

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT RESOLVED, that John P. Winter will report to work at the Yorktown Building Department on July 18th, 2011, and this date will be used as the first date of appointment,

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 July 18th, 2011.

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

Supervisor Siegel stated that Mr. Winter formerly worked as an Assistant Building Inspector in Yorktown. He is now the Building Inspector for the Village of Mamaroneck. He comes highly recommended.

Councilman Martorano announced that a Retirement Party for our former Building Inspector Bill Gregory will be at Travelers Rest in August.

Supervisor Siegel stated that the Town Board plans to shift the responsibility for oversight of our Town Buildings and building maintenance staff into the Building Department when Mr. Winter comes aboard.

CONVENE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING VARIOUS SECTIONS OF CHAPTER 300-SECTION 161 LOT AND BULK STANDARDS

Supervisor Siegel convened a public hearing to consider a proposed local law amending various provisions of Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" with respect to Article XVI entitled "Age-Oriented Geriatric Community." The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel explained that this amendment to the Town Code relates to the RSP-3 zone. It is being considered because of a new plan by the Field Home to create a Continuing Care Retirement Community. Under the plan, the size of the nursing home, Field Home-Holy Comforter will be reduced. There will be no change to The Seabury, their assisted living facility. They will add 102 independent living units to its campus.

Mr. Albert Capellini explained that in order to achieve this change on the Field Home's two tax lots, we are requesting some minor text changes to the town's zoning code. We are requesting a change in The Floor Ratio Area (FAR) in the RSP-3 zone. In other residential areas, the FAR is higher. We also need an increase in height of buildings in that particular zone. The Field Home will be placing a Conservation Easement on 32 acres. The entire project will not produce any significant increase in the number of units.

Mr. John Ahern, the Chief Executive Officer of the Field Home spoke about the benefits of the Continuing Care Retirement Community concept.

Councilman Martorano asked if someone lived in one of the independent living units, would they have a guarantee of being accepted into the nursing facility if they needed it. Mr. Ahern said yes.

Mr. Ray Arnold handed the Town Board a handout showing the current law and stated that the proposed law should not say "proposed FAR". It should say something like "allowable" FAR. He further stated that this increases the bulk, not density. Mr. Arnold added that most zones do not have a FAR. He also pointed out that in the second part of the proposal, what he believes the Town is attempting to do is change the verbiage associated with Section 300-161B, but keep the chart that is currently in the code. Unfortunately, he said the proposed local law says replace everything.

Planning Director John Tegeder agreed that he did not want the chart removed from the law. He simply wanted to replace the text.

Town Attorney Koster stated that the Town Board should adjourn the meeting, make the changes and reconvene the hearing at its next meeting.

Mr. Howard Frank stated that it would be a mistake to approve these changes. This is a residential area. He doesn't believe proper notification has been made to the Field Home's neighbors. This may cause some of them to be upset. Mr. Frank further stated that this appears to be a complete renovation of the site. They should have a site plan and new parking plan. Recently he visited a patient in the nursing home and found that the parking plan was no longer valid.

Supervisor Siegel explained that Mr. Ahern and his design team have held several meetings at Glassbury Court. The Town Board has seen a conceptual plan. All issues you raise will be addressed at the Planning Board.

Mr. John Cito, a member of the Board of Directors at Glassbury Court stated that the residents of his development know about this plan and are very happy with it.

Councilmen Martorano and Bianco stated that they do not want this project delayed, they wanted it moved along.

AMEND PROPOSAL
RESOLUTION #322

Upon Motion by Councilman Martorano, seconded by Councilman Bianco,

Under Section 300-161 amend the proposal by replacing the word proposal with permissible

Under Section 300-161B replacing only the verbiage, but keeping the chart which is currently in the law

Siegel, Bianco, Martorano, Patel Voting Aye
Resolution Adopted

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 #6 OF 2011 AMENDING CHAPTER 300, SECTION 161 LOT AND BULK STANDARDS

RESOLUTION #323

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

WHEREAS, a public hearing was held on July 5, 2011 pursuant to notice duly published as required by law to consider the adoption of a proposed local law amending various provisions of Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" with respect to Article XVI entitled "Age-Oriented Geriatric Community", now therefore be it

RESOLVED that Local Law #6 /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 Bianco	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Patel	Voting	Aye
Supervisor Siegel	Voting	Aye

Local Law #6 /2011 was thereupon declared adopted.

CANCEL PUBLIC HEARING

"TAXATION" – JULY 19, 2011

RESOLUTION #324

Upon Motion by Councilman Martorano, Seconded by Councilman Bianco,

RESOLVED, that the following public hearing is hereby canceled.

RESOLVED, the Town Board authorizes advertising a Public Hearing amending Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION" by Amending Article IV entitled "Installment Agreement for Delinquent Real Property Taxes" on July 19, 2011.

Siegel, Bianco, Martorano, Patel Voting Aye
Resolution Adopted

ADVERTISING:

2012 MACK GRANITE GU813 CHASSIS AND LEACH 2RII REAR LOADING BODY DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RESOLUTION #325

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, NY until 1:00 PM on Monday, August 1, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the purchase of One (1) 2012 Mack Granite GU813 Chassis and One (1) Leach 2RII 25 cubic yard high compaction heavy duty rear loading body for use in the Environmental Conservation Department.

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, Martorano, Patel Voting Aye
Resolution adopted.

AUTHORIZE ASSESSOR TO ATTEND NEW YORK ASSESSORS 2011 ANNUAL TRAINING CONFERENCE AT CORNELL UNIVERSITY
RESOLUTION #326

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

Resolved, that Harold Girdlestone, the Town of Yorktown Assessor, be granted approval to attend the New York State Assessors 2011 Annual Training Conference at Cornell University, July 18 thru July 22, on town time and no cost to the Town, to satisfy annually required continuing education credits.

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

RELEASE LANDSCAPE BOND
CRANBERRY LANE - MUNSELL
RESOLUTION #327

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

WHEREAS, Daniel Munsell, as applicant, heretofore filed Landscape Bond #2345 in the amount of \$300.00, for Lot #1.9 on Cranberry Lane, which was deposited into the T-30 Account on January 7, 2010, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced Landscape Bond totaling \$300.00, be and is hereby released to Mr. Daniel Munsell, 20 Kramers Pond Road, Putnam Valley, NY 10579.

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

SET THE PRICE FOR A NEW 18 GALLON RECYCLING BIN
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESOLUTION #328

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

RESOLVED, effective immediately, the Town Board approves that the prices for Recycling Bins offered for sale by the Environmental Conservation Department are:

14-gallon Recycling Bin: \$ 6.00

18-gallon Recycling Bin: \$ 8.00

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

RELEASE OF ESCROW DEPOSIT
DRIVEWAY PERMIT #1181
RESOLUTION #329

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

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	1181	\$500.00	Willoway	Elizabeth Weiss 2342 Saw Mill River Road Yorktown Hgts, NY 10598

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

AUTHORIZE THE RECIEVER OF TAXES TO REMOVE LIENS
PARCEL 16.10-1-47.11 (\$1,808.40) AND 16.10-1-48.11 (\$532.60)
RESOLUTION #330

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

WHEREAS, the two parcels identified on the Town's tax maps as section/block/lot 16.10-1- 47.11 and 16.10-1-48.11 were dedicated to the Town as roads and/or road widening strips by the prior owner and the dedication was accepted by the Town in 2006 upon the delivery of a deed and the parcels were duly removed from the tax rolls in 2006; and

WHEREAS, the records of the Tax Receiver indicate that parcel 16.10-1-47.11 is subject to tax liens for the tax years 1999 through 2006 totaling \$1,808.40, and parcel 16.10-1-48.11 is subject to tax liens for the tax years 1998 through 2006 totaling \$532.60, which liens were imposed against the prior owner or owners; and

NOW THEREFORE, be it resolved that the Town Board finds that the liens on parcels 16.10-1-47.11 and 16.10-1-48.11 are uncollectible, and directs and authorizes the Tax Receiver to remove said liens from the Town's tax records.

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

AUTHORIZE SUPERVISOR TO EXECUTE A CONTRACT WITH BIG WAVE EVENT
PRODUCTIONS IN THE AMOUNT OF \$3,400 TO PROVIDE THE EQUIPMENT AND
PERSONNEL TO SCREEN THE OUTDOOR MOVIE
RESOLUTION #331

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

RESOLVED, the Town Board authorizes the Town Supervisor to execute a contract with Big Wave Event Productions, LLC, PO Box 188, Roxbury, CT 06783 in the amount of \$3,400.00 to provide equipment and personnel (Big Surf Drive-In Mega System) to screen an outdoor movie on July 14, 2011 or a mutually acceptable rescheduled date in the event of inclement weather. Execution of the contract shall be subject to approval of the Town Attorney of the contract terms and contractor's insurance certificates.

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

REFUND WATER ACCOUNT #44-03480008

\$219.01

RESOLUTION #332

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

RESOLVED, that upon recommendation of Cliff Kummer, Northern Westchester Joint Water Works a refund in the amount of \$219.01, Account #44-03480008 over payment be and is hereby refunded to GiGi Pizza, Inc., P.O. Box 444, Jefferson Valley, NY 10535.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT AND CLAIM WITH WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES FOR A ONE-TIME GRANT AMOUNT OF \$20,000

RESOLUTION #333

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

Resolved, that, subject to prior review and approval of the Agreement and Claim Form by the Town Attorney, the Town Supervisor is hereby authorized to sign an Agreement and Claim Form with Westchester County Department of Senior Programs and Services for a one-time grant in the amount of \$20,000 from the New York State Community Services for the Elderly Program to help defray the additional costs incurred for the Nutrition Program. This grant covers the period April 1, 2010 through December 31, 2010.

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

AUTHORIZE THREE POLICE OFFICERS TO ATTEND THE "SCHOOL RESOURCE OFFICERS ESSENTIALS COURSE" SCHEDULED FOR AUGUST 29 TO SEPTEMBER 2, 2011 IN WHITE PLAINS FOR A COST OF \$630.00

RESOLUTION #334

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

Be it resolved, that the Town Board hereby authorizes (3) police officers to attend the "School resource Officer Essentials Course", scheduled for August 29-Septemebr 2, 2011 in White Plains, NY.

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

REFUND DUPLICATE TAX PAYMENT

RESOLUTION #335

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund Amount</u>
2010 Sch 22	59.20-1-11	4872500	\$2,565.93

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

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

DURING COURTESY OF THE FLOOR, the following residents addressed the Town Board:

Mr. Ken Belfer, Chairman of the Lake Mohegan Improvement District announced that this year, they are celebrating Lake Day on July 17, 2011. It will run from 11:00AM until it gets dark. Different events will be taking place all around Mohegan Lake. A water taxi will bring people to different areas on the Lake.

Councilman Patel asked about the lake's water quality.

Mr. Belfer explained that it was hard to answer that question because of the amount of variables. But, he says it is safe. The Lake operates under a permit issued by the Westchester County Health Department.

Supervisor Siegel thanked Mr. Belfer and Mr. Dennis Horbatuk who serve on the Mohegan Lake Improvement Committee as well as the Town of Yorktown's Stormwater Committee.

Mr. Anthony Grasso stated that he was surprised to hear the Supervisor's answer to Mr. Kaufman's question regarding the renovation bid for the YCCC. He says the low bidder did violate the WICKS Law. The bid should be thrown out. He further stated that there are two bidders in the middle who qualify, and one bidder is extremely high.

CLOSE COURTESY OF THE FLOOR

Supervisor Siegel responded to some of the issues raised as follows:

Mr. Grasso

There is a legal issue with the YCCC renovation bid. We are consulting with our attorney. The second lowest bidder did comply with the law.

EXECUTIVE SESSION

Upon motion made by Councilman Martorano, seconded by Councilman Bianco, to move into Executive Session to discuss State Audit. Upon motion made by Councilman Martorano, seconded by Councilman Bianco, the Town Board moved back into the Town Board Meeting

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown