

Work Session held by the Town Board, Town of Yorktown on July 12, 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

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Executive Session to discuss Tax Certiorari Settlements, CSEA Negotiations, Section 8 Litigation and Personnel. Upon motion made by Councilman Martorano, seconded by Councilman Bianco the Town Board moved into the work session.

#### WORK SESSION

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster and Director of Planning John Tegeder were also present.

#### APPROVAL OF TOWN BOARD WORK SESSION RESOLUTIONS DATED JUNE 28, 2011

##### RESOLUTION #336

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

Resolved, that the Town Board Work Session Resolutions for June 28, 2011 were presented for approval. Supervisor Siegel had one change to Resolution #311, she added "with the details to be worked out later" Councilman Bianco motioned to approve the resolutions for June 28, 2011, as amended, seconded by Councilman Martorano.

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

#### CROTON OVERLOOK DEIS

##### RESOLUTION #337

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

WHEREAS, a DEIS Scoping Outline ("Scoping Outline") was prepared in accordance with 6 N.Y.C.R.R. 617.8 and accepted by the Town Board of the Town of Yorktown ("Town Board") by resolution at its regular meeting of April 12, 2011;

WHEREAS, on June 7, 2011 the Town Board accepted for review to determine its completeness and adequacy in accordance with 6 N.Y.C.R.R. 617.9 (a) (2) a preliminary Draft Environmental Impact Statement (DEIS) prepared for Croton Overlook Corporation; and

WHEREAS, on July 9, 2011 a revised DEIS was submitted to the Town Board; and

WHEREAS, the revised DEIS has been reviewed by town staff and the Town Board for its completeness with respect to the Scoping Outline; and

NOW THEREFORE BE IT RESOLVED, that the Town Board determines the DEIS for Croton Overlook Corporation is complete with respect to the scope, content, and adequacy necessary to afford the public and involved and interested agencies the opportunity to consider the DEIS for the purpose of commencing public review of the proposed project, pursuant to SEQRA and the regulations promulgated by the New York State Department of Environmental Conservation thereunder, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"); and

BE IT FURTHER RESOLVED, that the Town Board, as Lead Agency, will hold a public hearing on the DEIS on August 2, 2011 at 6:00 PM, or as soon thereafter as these matters can be heard, at the Shrub Oak Memorial Park, located at 3800 Sunnyside Street, Shrub Oak, New York 10588, and will further allow for the submission of any written comments to be received through August 15, 2011; and

BE IT FURTHER RESOLVED, that the attached "Notice of Completion of DEIS and Notice of Public Hearing" be published in the official newspaper of the Town of Yorktown, at least 14 days in advance of such hearing and that said Notice of Completion be filed and circulated in accordance with the SEQRA Regulations; and

BE IT FURTHER RESOLVED, the complete DEIS will be available for public review by July 22, 2011 at the following locations: Yorktown Town Clerk's Office, 363 Underhill Avenue, Yorktown Heights, NY 10598; the Yorktown Planning Department, 1974 Commerce Street, Yorktown Heights, NY 10598, 914-962-6565; and the John C. Hart Memorial Library, 1130 Main Street, Shrub Oak, NY 10588; and

BE IT FURTHER RESOLVED, in accordance with Chapter 641 of the NYS Laws of 2005, the complete DEIS will be available on the Town of Yorktown website at the following URL: <http://www.yorktownny.org/townclerk/croton-overlook/deis>, by July 22, 2011.

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

#### 2012 BUDGET ISSUES

Town Comptroller Joan Goldberg was present to discuss with the Town Board the impact the 2% Tax Cap will have on the 2012 Budget. The Town Board discussed not hiring anyone until the 2012 Budget is reviewed because they do not want to hire someone and have to lay them off in January 2012.

Highway Superintendent Eric DiBartolo stated that he needs to have this position filled, he has lost several positions over the past few years and it is affecting the service his department provides to the community. Mr. DiBartolo feels that he can work this position into his budget for next year and would like the opportunity from the Town Board to do so.

Highway Superintendent Eric DiBartolo stated that he wants it on the record that the lack of staffing is crippling departments and it is affecting the services that are provided to this community.

Councilman Martorano motioned, seconded by councilman Murphy, to fill the laborer position in the Highway Department with the stipulation that the laborer is aware that the position could get cut in January 2012.

Councilman Bianco stated that he would like to see an analysis from the comptroller that shows the ramifications this 2% Tax Cap will have on the 2012 Budget before the Town hires any more people.

Supervisor Siegel stated that she agrees with Councilman Bianco and we should not hire anyone until the 2012 Budget is reviewed.

Town Comptroller Goldberg suggested utilizing a Part-timer until September to help the Highway Department. This will give her time to find out more information about the 2% Tax Cap from the State.

The Town Board agreed. Councilman Martorano withdrew his motion.

REZONING FOR VILLAGE TRADITIONS SITE  
RESOLUTION #338

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

RESOLVED, that the Town Clerk is hereby authorize to refer a Proposed Local Law amending the Zoning Code, Chapter 300 of the Code of the Town of Yorktown.

Section 15.16, Block 1, Lot 32 on the Tax Map of the Town of Yorktown is rezoned from C-2/R1-20 to C-2/0, and

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

BE IT FURTHER RESOLVED, that a public hearing on the Proposed Local Law will take place on September 6, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM or as soon thereafter can be heard.

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

AMENDMENT TO ZONING CODE FOR WAREHOUSE USE  
RESOLUTION #339

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 6<sup>th</sup> day of September, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending the Town of Yorktown's Zoning Code adding warehouses to the list of permitted uses with a Special Permit in a C-1 Zone.

A copy of said proposed local law 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.

WOODLANDS LEGACY TRAFFIC SIGNS  
RESOLUTION #340

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 20<sup>th</sup> day of September, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending of Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," to add restrictions on Strang Boulevard, Woodlands Drive and Legacy Ballfields.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown,

363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown's website [www.yorktownny.org](http://www.yorktownny.org)

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.

#### NOTIFICATION SIGN REQUIREMENTS

##### RESOLUTION #341

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 20<sup>th</sup> day of September, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending of Chapter 205 of the Code of the Town of Yorktown entitled "NOTIFICATION OF PROPOSED LAND USE ACTIVITY OR REGULATION" with regard to the height of notification signs.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown's website [www.yorktownny.org](http://www.yorktownny.org)

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.

#### TAX INSTALLMENT LAW

##### RESOLUTION #342

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4<sup>th</sup> day of October, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of amending of Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION", by amending Article IV entitled installment Agreement for "Delinquent Real Property Taxes, " regarding defaults.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown's website [www.yorktownny.org](http://www.yorktownny.org)

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.

AUDIO VISUAL EQUIPMENT BID FOR BOARD ROOM  
RESOLUTION #343

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

Resolved, that as only one bid was received on June 30, 2011 for the duly advertised bid for audio visual equipment for the Town Hall meeting room, the bid is hereby awarded to Technisphere Corporation, 335 West 35th Street, New York, NY 10001, in the amount of \$94,598 for the base bid, plus \$5,285 for a sound reinforcement system, and the rate of \$100/hour for training town staff to operate the new equipment, to be funded from the PEG monies received from Verizon and Cablevision.

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

NUTRITION CENTER RENOVATION BID

The Town Board decided to hold off on awarding this bid until the Town Attorney reviews it.

CERTIFICATE OF INSURANCE FOR SEPTEMBER EVENT AT DEVITO FIELD

Councilman Murphy had no update on the status of the Certificate of Insurance issue for the September event at DeVito Field.

VOLUNTEER BOARD APPOINTMENTS

The Town Board reviewed volunteer board reappointments for the Conservation Board, an appointment of a new chair for the Planning Board and an appointment of a Planning Board member. The Town Board agreed to place this on the July 19, 2011 agenda.

ADDITIONAL WORK SESSION  
RESOLUTION #344

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

Resolved that the Town Board meetings of September 6, 2011 and September 20, 2011 will begin at 6:30pm instead of the regular 6:45pm starting time and that the Town Board will meet in open pre-session from 6:30pm to 7:30pm in the Supervisor's office in Town Hall.

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

CANCELLATION OF BID FOR NEW TRAFFIC SIGNS  
RESOLUTION #345

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

WHEREAS, invitation to bid for Traffic Signs was duly advertised, received and opened on the 2nd day of May, 2011, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598, and

WHEREAS, the bid for Traffic Signs was awarded to Custom Products Corporation and Glenco Supply, Inc., on May 17, 2011 and

WHEREAS, Custom Products Corporation informed the Town in writing on May 26, 2011, that they must be released from the bid contract, NOW, THEREFORE BE IT

RESOLVED, that Resolution #252 of 2011 is hereby rescinded, the bids for Traffic Signs is rejected and Re-bid on the 1st day of August, 2011 at 11:00 AM at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598.

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

AUTHORIZE PAYMENT OF DEC INVOICE

RESOLUTION #346

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

Whereas the Environmental Conservation Department (ECD) followed the procedures set forth in the Town's Procurement Policy and purchased auto and truck parts off the New York State and Westchester County contracts, and

Whereas some of the vendors did not comply with the terms of their contract that required them to supply specific prices for the ordered parts, and

Whereas the some of the vendors have not complied with the ECD's request for specific price information, and

Whereas the ECD has confirmed that the ordered parts have been delivered,

Now therefore be it resolved that the Town Comptroller is authorized to pay 66 invoices for auto and truck parts dating from March, 2010 through June, 2010 where the purchase order did not contain specific price information.

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

AMEND RESOLUTION #427 OF SEPTEMBER 28, 2010 REGARDING ANNUAL MEMBERSHIP IN NORTHERN WESTCHESTER ENERGY ACTION COALITION  
RESOLUTION #347

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

Whereas the Town Board, by Resolution #427 of September 28, 2010 approved to reallocation of \$1,000 from the energy stimulus grant funds for 2010 membership in the Northern Westchester Action Consortium, aka Northern Westchester Energy Action Coalition (NWEAC), and

Whereas NWEAC has agreed that our membership would go into effect as of January 1, 2011,

Therefore be it resolved that Resolution #427 is hereby amended so that the previously authorized \$1,000 allocation can be applied to the Town's 2011 membership in NWEAC.

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

SELECTION OF RADIO FREQUENCY CONSULTANT TO REVIEW T-MOBILE CELL  
TOWER APPLICATION  
RESOLUTION #348

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

Whereas, the Zoning Board of Appeals has determined that it needs the advice of a radio frequency expert to review the application of T-Mobile to install a 130 foot monopole with 12 panel antennas and related grade mounted equipment cabinets, and

Whereas, the cost for such services will be paid for entirely by T-Mobile, and

Whereas, the Town has solicited written quotes from three such experts for providing said service,

Now therefore be it resolved, that the Town Board, after reviewing all proposals, has decided to hire AKF Technologies, LLC of 1501 Broadway, Suite 700, New York, NY 10036 to perform said analysis at the rate of \$225/hour for an estimated cost of \$5,000, and the rate of \$450/hour in the event that the company has to provide expert witness services, and

Be it further resolved, that the Supervisor is authorized to sign a contract with AKF Technologies, LLC, subject to the review and approval of the Town Attorney.

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

TOWN BOARD AGENDA - JULY 19, 2011

The Town Board discussed the July 19, 2011 Town Board meeting agenda which will be held at Mohansic Golf Course Restaurant Terrace, 1500 Baldwin Road, Yorktown Heights, NY 10598. The meeting will begin at 6:00 P.M.

ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown