

Work Session held by the Town Board, Town of Yorktown on January 12, 2010. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

EXECUTIVE SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move into Executive Session to conduct interviews for Legal Counsel and Tax Certiorari.

WORK SESSION

Supervisor Susan Siegel called the meeting to order. Acting Town Engineer Sharon Robinson and Director of Planning John Tegeder were also present.

TAX EXEMPTION FOR QUALIFYING COLD WAR VETERANS

Assessor Harold Girdlestone was present to discuss with the Town Board the Cold War Veterans Exemption Level Increase. Assessor Girdlestone stated that the Westchester County Legislators adopted a local law in December of 2009 increasing the exemption for qualifying Cold War Veterans to the maximum levels set by New York State. Currently, the Town has 50 property owners receiving the Cold War Veterans exemption and 3 property owners who are receiving the Disabled Cold War Veterans exemption. The total tax dollar impact would be less than \$6,000.

The Town Board agreed to advertise for a Public Hearing to be held on February 2, 2010.

SHERMAN COURT BRIDGE

Acting Town Engineer Sharon Robinson and Dave Weiss, P.C. from WSP Sells Engineering discussed with the Town Board reconstruction of Sherman Court Bridge and road improvements on Baptist Church Road. Mrs. Robinson explained that Sherman Court Bridge is a very small bridge located east of Lexington Avenue and has been flagged by the New York State Department of Transportation multiple times. WSP Sells was hired to do the design and bridge replacement and work with the NYS DEC, NYCDEP and the Army Corps of Engineers to get all approvals that will be needed because the work to be done is in the watershed. Acting Sharon Robinson explained that there is a road that could be cleared and used but it is unclear who owns the property and a Title Search will need to be done.

There are two plans, one showing replacement of the bridge so that local traffic can get through or to make it a walking bridge and close it off to vehicular traffic. Mr. Weiss stated that there is a cost benefit to abandoning this bridge and having a permanent road. It is more cost effective and in the long term there is no maintenance. The Town can offset some of the pervious surface by removing the asphalt.

The Town Board agreed to place this on the January 19, 2010 Town Board agenda.

BAPTIST CHURCH ROAD

Dave Weiss stated that this area was recognized as being needed because of the constant flooding that is occurring at this location and is causing the road to become unstable and potentially, cause the closure of the road. Mr. Weiss explained that there are

two separate watersheds that feed under the Baptist Church which goes into one brook that flows into the Croton reservoir. The west covert is a single 36 inch corrugated metal pipe and the east has twin 36 inch corrugated metal pipe which are the outlets. You cannot see the inlet of either of these pipes. A hydraulic study has shown that during a relatively, low intensity storm the roadway tops causing flooding. Mr. Weiss explained that the pipes are undersized and should be replaced with larger culverts. If this is done, their study showed that it would pass a storm with no flooding and control the flow.

Councilman Bianco asked how long it would take to complete the project.

Mr. Weiss stated that it would be approximately 3 months and the road would need to be fully closed in this location during the reconstruction process.

Resident and Owner of Arcadia Farm stated that she has many deliveries a week and does not think that the tractor trailers that bring her supplies to her horse farm will be able to come up the other side of Baptist Church Road. She is very concerned that she will not be able to get her horses in and out. A suggestion was made to ask the delivery company to use smaller trucks for deliveries so that they can use an alternate route. The Acting Town Engineer will speak with the delivery company to see if there is a solution to this issue.

Councilman Bianco asked what the timetable will be for this project.

Acting Town Engineer Robinson stated that the next step is to initiate the SEQRA process and obtain the permits from New York City Department of Environmental Protection and New York State Department of Environmental Conservation, when we figure out the logistics of access the construction bid can go out and we should begin during the summer months when the flow is lower.

A resident asked if half the road could be done and then the other half could be done. Mr. Weiss stated that because this is a narrow road stage construction would not work.

A resident of 1225 Baptist Church Road asked if there would be any aesthetic concerns at all to the construction area.

Mr. Weiss stated yes, we will be working with the Town to ensure that whatever is put back is aesthetically pleasing to the area and lends itself to what was there previously.

Supervisor Siegel asked what the total cost estimate is to repair this portion of Baptist Church Road.

Acting Town Engineer Sharon Robinson stated that the estimated cost of repairing the road is 1.35 million.

Supervisor Siegel asked how you would plan out a timetable from now until the anticipated start in the summer and when would you have more information that could be shared with the homeowners.

Mr. Weiss stated that there are easements that have to be secured, some are permanent and some are temporary in nature just for construction purposes. We would like to show the homeowners some of the aesthetic treatments that are available and we are in the process of working with NYS DEC to secure the appropriate permits.

The Town Board decided to move forward and will keep the residents in the area informed as the project progresses.

CONFERENCE ATTENDANCE VOUCHERS POLICE CHIEF MCMAHON

Town Comptroller Joan Goldberg and Police Chief Daniel McMahon were present to discuss 2008 & 2009 conference attendance vouchers received from Police Chief Daniel McMahon. Police Chief Daniel McMahon stated that in April of 2008, he

followed the Town's trip and expense guidelines and he received written permission from Supervisor Peters to attend the Police Chief's Training Conference. Subsequent to that Supervisor Peters approached me in August of 2008 and advised me that the Town Board disallowed the approval. This was after I purchased non-refundable airline tickets. Subsequent conversation with Supervisor Peters he agreed that the hotel and airfare for the training conference would be at my expense. However, the Town would pay the cost of the registration for the training conference. Supervisor Peters signed the voucher for reimbursement of the training conference in the amount of \$220. The Comptroller has disallowed this voucher and I have not been reimbursed.

Councilman Bianco asked when the voucher was signed.

Comptroller Goldberg stated it was signed December 21, 2009.

Chief McMahon stated that the same issue has occurred in 2009, and the Comptroller has disallowed this voucher also. The admission to the training conference was \$395.00. The total amount due to the Chief is \$615.00.

Councilman Bianco stated that the Supervisor signed something that he did not have Town Board approval on.

Comptroller Goldberg stated that during the 2008 Budget discussions all conferences were pulled out of the budget. This conference was not budgeted in 2008.

Councilman Bianco stated that the Supervisor signed something that he should not have signed, however he believes we are obligated to pay it because the Supervisor did sign it and did so in the purview of his duties.

Councilman Martorano stated that if the Supervisor signed something that is in his purview to do, then he agrees with Councilman Bianco and the Town is bond to pay it.

Comptroller Goldberg stated that she does not feel that is true and reiterated that all conferences were pulled from the budget in 2008. She stated that the Chief was informed that these conference dues would not be paid.

Comptroller Goldberg stated that Police Chief Daniel McMahon knew this and used his own vacation time to go on the 2008 trip. Then a year and a half later he directed his staff to give him the time back.

Councilman Bianco stated that the Police Chief should be reimbursed for the conference fees in the amount of \$615.

Chief McMahon stated that he followed the Town's policy and received written permission from the Supervisor to attend this conference and is asking to be reimbursed for the cost of the conference fees.

The Town Board agreed to reimburse the Police Chief for the conference fees in the amount of \$615 for 2008 and 2009.

The Town Board will draft a new policy for future conference attendances by Town employees.

2009 OUTSIDE AUDIT

Town Comptroller Joan Goldberg was present to discuss with the Town Board the Request for Proposals (RFP) received for 2009 Outside Auditing Services. She stated that the Town received four RFP's for auditing services. The Comptroller stated she determined that two of the bids were insufficient in hours. Comptroller Goldberg stated that the two bids that she felt met the bid requirements were Toski, Schaeffer & Co., in the amount of \$60,000 per year and Bennet, Kielson, Storch, Desantis in the amount of \$90,000 per year.

Councilman Martorano asked if Toski, Schaeffer & Co., has a good reputation.

Comptroller Goldberg stated that both companies have very good reputations.

Supervisor Siegel noted that Toski, Schaeffer & Co., audits the New York State Comptroller's Office.

Councilman Murphy asked if he could review previous audits. Comptroller Goldberg stated that she has them and Councilman Murphy is welcome to come in and look at them.

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

CABLEVISION

Councilman Bianco is looking into a rebate or credit for residents who have Cablevision for not notifying subscribers in a timely manner that they would be losing HGTV and Food Network channels. He requested that the Supervisor send a letter to the Public Service Commission advising them of this situation.

Councilman Bianco also stated that the Con Edison wants a 19% tax increase. A letter can be sent to the

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

TOWN BOARD AGENDA JANUARY 19, 2010

The Town Board discussed the January 19, 2010 Town Board meeting agenda.

COMPREHENSIVE PLAN

The Town Board discussed the Comprehensive Plan: Draft FSGEIS.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown