

Work Session held by the Town Board, Town of Yorktown on February 9, 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  
Alice E. Roker, Town Clerk

#### EXECUTIVE SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move into Executive Session to conduct interviews for Volunteer Boards and discuss Tax Certiorari and Litigation.

#### WORK SESSION

Supervisor Susan Siegel called the meeting to order. Acting Town Engineer Sharon Robinson was also present.

#### LEGACY FIELDS PROJECT

Supervisor Siegel stated that she asked the Highway Superintendent to attend tonight's meeting so that the Town Board could come to some resolution concerning these fields.

The Highway Superintendent was not present.

Supervisor Siegel stated that the Town as part of the IMA still has some grading work to do. Westchester County estimates that having the work done by an outside contractor will cost approximately \$350,000 - \$400,000.

The County has come up with a proposal. They will perform the grading work. The Town of Yorktown will install the turf fields. The Town of Yorktown would have to hire a contractor for that work which is approximately \$4 per square foot, or \$400,000 for the complete job.

Councilman Bianco stated that because \$400,000 is approximately 2% of the budget, he would like to offer a compromise. Eric DiBartolo would be appointed Director of Labor Operations for the Legacy Ball Field.

Councilman Murphy stated that he has attempted to reach out to the Highway Superintendent, but has not received a call back.

Supervisor Siegel stated that she has also reached out to the Highway Superintendent, but he did not want to meet with her.

Councilman Bianco asked the Town Clerk who served as Interim Supervisor to the Town Board that made the appointment of Mr. DiBartolo as Director of Labor Operations.

Mrs. Roker explained that Mr. DiBartolo was not going to work on the fields as Highway Superintendent, so after consulting with the Town Board, she worked with Westchester County to come up with a title that would allow him to work on the fields and have the town's Labor force available to him.

#### APPOINT PROJECT MANAGER LEGACY FIELD – ERIC DIBARTOLO

RESOLUTION #79

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

RESOLVED, the Town Board hereby appoints Eric DiBartolo as Project Manager for the Legacy Ball Field Project and be it,

FURTHER RESOLVED, that Mr. DiBartolo will work under the supervision and direction of the Town Board and be it also,

FURTHER RESOLVED, that work at the Legacy Ball Field will resume no later than Tuesday, February 16, 2009.

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

UNDERGROUND TANKS/MONITORING INVENTORY LIST

Acting Town Engineer Sharon Robinson was present to discuss with the Town Board doing a Request for Proposals for Annual Inspection Program.

Mrs. Robinson explained that she was not before the Town Board to ask for money. What she did need was approval to send out specifications to have the Town of Yorktown's petroleum bulk storage tanks inspected.

Over the last several years, regulations concerning these tanks have changed. During 2009, the tanks were inspected and no problems were found. But, there are new regulations that have gone into effect as of January 1, 2010.

The Town Board agreed that an RFP could be circulated.

SHERMAN COURT – FLAMINGO PARK

Acting Town Engineer Sharon Robinson was present to update the Town Board on Oak Street Title Search findings.

Mrs. Robinson explained that at her last meeting with the Town Board concerning the bridge on Sherman Court they spoke about two options. The Town could build a temporary road on Oak Street and repair the bridge, or we could build a permanent road on Oak Street and erect a pedestrian bridge.

The title search found that the Town did not own the road. It is owned by fourteen property owners. In order to move forward, we would need to get temporary or permanent easements from all of the property owners.

Residents from the area asked various questions about the easements and the cost of the project. Many of them stated that they would consider giving the Town a temporary easement, but not a permanent easement.

Mrs. Robinson will hold an informational meeting with the property owners and Supervisor Siegel.

HALLOCKS MILL FLOW MONITORING STUDY

Acting Town Engineer Sharon Robinson was present to discuss with the Town Board a proposed agreement with Stearns & Wheler to conduct a flow monitoring study.

Mrs. Robinson explained that two years ago she sent a report to the Town Board concerning the condition of the pump stations in the Hallocks Mill Sewer District. Many of these stations are more than thirty years old.

The New York State Department of Environmental Conservation has asked her to prioritize the stations and begin to upgrade them.

Our older stations do not have adequate flow monitoring systems that will give her the data to upgrade these stations.

In her budget for 2010, she included funding for a flow study. We will rent fifteen flow meters (one for each station) and accumulate data over a six month period.

The Board will place a resolution for this matter on their next agenda.

COUNCILMAN TERRENCE MURPHY recused himself and left the room prior to the following discussion.

#### SHALLOW CREEK

Mr. Sean Murphy, developer was present to discuss with the Town Board an alternate use for the Shallow Creek property.

Mr. Murphy stated that this project began about a year and a half ago when he had a discussion with the former Supervisor Donald Peters.

He would like to restore the golf course, gut the current building on the site and make it a café.

In addition to getting the support from the Mohansic Boys Club and the Yorktown Athletic Club, he has received financial backing from private investors for this project.

Councilman Martorano asked if it would be a for profit or non-profit organization.

Mr. Murphy explained that he was not prepared to answer that question at this time. But, he said that the investors would surely want their money back. He further stated that he has met with Joseph Visconti, President of the New Yorktown Chamber of Commerce. Mr. Murphy told Mr. Visconte that he is prepared to have discussions concerning how both organizations could share the property.

Supervisor Siegel asked when would the project begin?

Mr. Murphy stated that his investors are ready now.

The Board asked Mr. Murphy to meet with the Recreation Commission.

Parks and Recreation Superintendent Jennifer Fava asked Mr. Murphy to have copies of his project available for their next meeting in March.

#### PARTICIPATION IN PROFESSIONAL ORGANIZATIONS

Supervisor Siegel explained that many of the Town's department heads are members of different professional organizations, which is beneficial to the Town. She further stated that serving on these organizations generally involve some time away from the office.

Parks and Recreation Superintendent Jennifer Fava explained her participation in several organizations for recreation professional. Many of these organizations provide information concerning recently adopted or proposed state regulations as well as training.

Supervisor Siegel stated that she will be working on a policy manual with the Town Comptroller.

The Town Board gave its approval for Ms. Fava's attendance at these meetings.

TIME ALLOCATION FOR CONFERENCE ATTENDENCE

Ms. Fava explained that she is the Program Director at an upcoming state recreation conference in Saratoga New York. She was requesting permission for three people, Ms. Fava and two staff members to attend the conference.

The cost of the conference for Ms. Fava will be the registration fee of \$300. Brian Gray has received a fellowship for the payment of his registration fee and fee for the Certified Pool Operator course that he must take. Todd Orłowski would need payment for the Certified Pool Operator course which is \$140 and his hotel stay. Ms. Fava stated that a line in her budget could cover the total cost.

The Town Board approved the request.

TRAFFIC SAFETY COMMITTEE

Supervisor Siegel gave the evolution of this committee which began as a small group made up of a Town Board liaison, a member of the Highway Department and the Police Department’s Public Safety Officer. In recent years, the Town Code was amended, a larger group was formed but by the end of 2009, the Town Board met as a group to work on traffic issues.

The Board discussed whether it preferred a smaller or larger group. The Board decided that a smaller group was preferable. Councilman Murphy and Patel will serve as rotating liaisons with a member of the Highway Department and the Police Department’s Public Safety Officer.

The Town Board will repeal the current language in the Town Board and adopt a resolution creating this new board.

CENTRAL GARAGE

The Town Board discussed the memorandum sent by Patrick Lofaro, head of Central Garage which states that the cost savings to relocate central garage back behind the Police Department would be a result in savings of more than \$15,000.00 in labor, mileage and fuel.

The cost to relocate the equipment to Central Garage would be \$13,795 which could be offset by the elimination of the Deputy Highway Superintendent’s stipend and budget line for equipment in Central Garage.

Councilman Bianco stated that when these two garages were combined, a mechanic in the Highway Department retired and was never replaced because of the consolidation.

RELOCATE CENTRAL GARAGE

RESOLUTION #80

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

RESOLVED, the Town Board authorizes the relocation of equipment and labor to Central Garage and be it,

FURTHER RESOLVED, the relocation cost will cover 3 lifts and an air compressor back to Central Garage, the relocation of a lift to the water department, and the purchase of a wheel balancer.

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

Resolution adopted

## ETHICS CODE

Supervisor Siegel discussed with the Town Board possible changes to the existing Ethics Code.

Discussion concerning whether the current code was deficient in some areas. Interim Town Attorney, Dan Pozin gave the Town Board a copy of the Ethics Code in the Town of New Castle for the Town Board to consider.

Mr. Pozin stated that most of the restrictions in the current Ethics Code references Town Board members. He suggested that other Town officials and employees as well as voluntary board members also be included.

Councilman Martorano cautioned Mr. Pozin that in dealing with voluntary board members, he had to be careful as to not make the restrictions so that they could not conduct business in the Town of Yorktown.

Mr. Pozin will work on drafting amendments to the code.

## BACKFILL POSITIONS IN HIGHWAY/ ENVIRONMENTAL CONSERVATION

Councilman Bianco handed Interim Town Attorney a copy of a memorandum from the New York Association of Towns which stated that according to Highway Law, Section 140(4), as interpreted by the courts, vests in the Town Superintendent of Highways the exclusive authority to appoint members of the highway crew and to fill vacancies, provided it is done so within the appropriations provided by the Town Board. Neither the Town Board nor the Supervisor of the Town has the authority to approve or prevent the appointment by the Superintendent of Highways unless the Town Board changes the appropriation.

Supervisor Siegel stated that the Board was aware of this. She further stated that what the Town Board can do is eliminate the positions by transferring the funding for them to another line in the Highway budget.

Councilman Bianco asked if this discussion could be adjourned at this time.

## REQUEST FOR WETLAND PERMIT 1719 PARMLY ROAD

Town Clerk Alice Roker explained that this application is not ready to come before the Town Board

## TOWN BOARD AGENDA FEBRUARY 16, 2010

The Town Board discussed the February 16, 2010 Town Board meeting agenda.

## ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown