

Regular meeting held by the Town Board,  
Town of Yorktown on March 16, 2010 held at  
Yorktown Town Hall, Yorktown Heights, NY.

Present: Susan Siegel, Supervisor  
James Martorano, Councilman  
Nicholas Bianco, 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 was also present.

#### 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 HER REPORT TO THE TOWN, Supervisor Susan Siegel stated that she was asked by the Highway Superintendent and the Superintendent of the Department of Environmental Conservation to explain that the Town would be picking up brush from the two storms. Branches must not exceed four feet in length and must be tied with cord. The bundles cannot weigh more than fifty pounds. We will not collect stumps or logs, property owners may bring these items to the organic waste yard on Greenwood Street. Supervisor Siegel also stated that the Public Hearing for the Town of Yorktown's Comprehensive Plan (revision date February, 2010) and the Final General Environmental Impact Statement (revision date February, 2010) will take place on April 6, 2010 at 7:00PM. The documents can be viewed on the Town's website or purchase in the Planning Department. The target date for the adoption of the Comprehensive Plan is June 1, 2010. Census Forms are in the mail. The Supervisor urged everyone to fill out the form so that the Town will receive its fair share when it comes to representation in Congress and the State Legislature as well as federal funding. Representatives from the Census will be in Town Hall during the afternoon for two weeks beginning Friday. They will be at the Yorktown Community and Cultural Center during morning hours and at the John C. Hart Library in Shrub Oak during the weekends. The Town of Yorktown will receive a Green Star Award for being one of the five greenest communities in Westchester County. The Town Board has decided to reactivate the Landmarks Preservation Committee. Volunteers are needed.

#### DURING THEIR REPORTS TO THE TOWN

Councilman Bianco spoke about a meeting he attended in the Town of Greenburgh. He met with Supervisor Paul Feiner who placed a call to New York Governor David Paterson. They discussed having the Governor declare Westchester and Putnam Counties disaster areas due to the February snowstorm where the Town of Yorktown incurred \$110,675.00 in expenses. During a subsequent conversation between Governor Paterson's Energy Secretary, Mr. Feiner, Westchester County Legislators Michael Kaplowitz and Thomas Abinati the topic of discussion was the resolution requesting the Public Service Commission to call a halt to Con Ed's transmission line vegetative management program. Residents from the Town of Yorktown and the City of Yonkers and representatives of Senator Vincent Leibell's staff participated in the discussion. No decision was made. The Public Service Commission is a stand alone government agency operating under the authority of the New York Legislature.

Councilman Bianco also stated that he spent time going over the budget after the Comptroller's recent financial update. He said the Town of Yorktown is not in bad shape. We ended the year with a preliminary fund balance of \$4,254,893. The Highway Fund ended the year with a fund balance of \$313,243. The Library ended the year with a surplus of \$329,681. The Water District ended the year with a surplus of \$936,000. The General Fund will lose \$1 million dollars; the former Town Board took \$500,000 to reduce the 2010 tax burden, \$300,000 were put in a separate fund for senior programs and \$170,000 was paid out on a lawsuit.

Councilman Patel stated that he recently attended a class regarding the financial responsibility of Town Board members and was told that the New York State Comptroller recommends that the municipalities should keep a surplus totaling 20% of their budget.

Councilman Murphy congratulated Thomas Donatelli who was elected to serve on the Yorktown Central School Board until the end of the school year.

Supervisor Siegel stated that her office has arranged a meeting between Con Edison and Bruce Barber, Yorktown's Environmental Consultant to work on mitigation issues on Springhurst Street. The Supervisor also added to Councilman Bianco's financial update by stating that there is only \$2.4 million in unrestricted funds in the fund balance. The Town owes \$260,000 out of those funds. She further stated that the concern going forward is that we will not have extra money to pay for capital improvement projects that had previously been paid for by surplus funds. The Supervisor further stated that in 2008, \$250,000 in grant money was obtained through the efforts of New York State Senator Vincent Leibell. The intended use of the money was to help pay for the construction of a new senior center or to make improvements to the current center. Last year, the Town of Yorktown was told that the grant had been approved, but the money was being held up by the New York State Dormitory Authority. The Town of Yorktown did not come up with a plan or apply for the grant until July, 2009. By that point, the money was gone. Supervisor Siegel further stated that Westchester County still has \$125,000 in Community Development Block Grant money that can be applied for when we have a plan.

Councilman James Martorano stated that he agrees with what was contained in Councilman Bianco's Report. He further stated that while much of our infrastructure does need work, but there is an argument that you don't have to pay for the work with cash. Most of the time, this is work that will be enjoyed by others for years. Why make people who live here now pay for it entirely, when others will benefit from it. Some of the work could be bonded.

Councilman Vishnu Patel announced some of the events he attended; A Girl Scout Gold Award Ceremony, A Court of Honor for Boy Scout Troop 164, Annual Fundraisers for Yorktown Central School District's Foundation for Excellence and the Lakeland School District's Foundation for Excellence. Councilman Patel further stated that he attended the Public Informational Meeting held by the New York State Department of Transportation outlining their proposed projects along Route 202/35 at the intersections of Stony Street and Pine Grove Court.

#### JOHN C. HART LIBRARY PROGRAM

Ms. Patricia Hallinan, a representative of the John C. Hart Library spoke about a new data base reference program. In addition to state laws, the new Westlaw data base program will include all New York State business forms, the New York Legal Directory and copies of the Law Journal.

#### COURTESY OF THE FLOOR

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

Mr. Paul Moskowitz spoke about Green Yorktown's upcoming café. The topic for discussion will be, "Water Security: Local and Global Threats to Our Water." The featured speakers will be Andrew Hudson, from the UN Development Programme, Susan Leifer, from the Sierra Club Lower Hudson Group and Jim Nordgren, from the Bedford Audubon Society. Mr. Moskowitz also thanked Councilman Bianco for his requesting that the Public Service Commission call a halt to Consolidated Edison's tree cutting practices. He further stated that the more trees that are cut down, the more erosion we will have to the soil. Ultimately, our infrastructure will begin to deteriorate. Mr. Moskowitz stated that the environment is changing over the last ten years, we have had many 10 year storm events including a one hundred year storm event.

Mr. Anthony Grasso stated that he was pleased to hear the financial information that was given out tonight. He hopes copies of Mr. Bianco's report will go out to the press. Mr. Grasso, a former Town Board member stated that municipal finance is unlike business finance. In April, the Town will get additional monies from the Town tax. Mr. Grasso further stated that it is good to bond some items, but cautioned against bonding everything.

Mr. Gil Kaufman gave a report on the Senior Advisory Committee's March 12<sup>th</sup> meeting. He said many items were discussed including the availability of the French Hill Elementary School. The committee learned that there might be a problem with that building, because before anything can be decided about the building, the school district must do an enrollment study. The committee also discussed priorities. What we have learned is that seniors want a computer room. Mr. Kaufman explained that he visited the Yorktown Community and Cultural Center met Mrs. Patricia DeMarsh who is the building manager and toured the center. He was not encouraged with what he saw. There are only three rooms in the building which are not under lease. It doesn't look like any additional room is available for seniors.

Mr. Bill Primavera stated that delighted to hear that the Landmark Preservation Committee was being revived, but he has some concerns about the current legislation. The law allows the Landmark Preservation Committee to landmark a structure without property owner consent. He feels this should not happen.

Mr. Eric DiBartolo stated that the Town should go back to New York State and complain about the \$250,000 grant that they say was lost. Mr. DiBartolo stated that the Town used a portion of that money to come up with the plan.

Mr. Steve Gardner stated that he too would like to preserve trees, but he says they have a useful life. Many of the trees in this community are 80-100 years old and top heavy. He reminded the Town Board that these trees could pose a serious danger to the community.

#### COURTESY OF THE FLOOR IS CLOSED

#### RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responding to issues raised about trees from Mr. Moskowitz and Mr. Gardner stated that two volunteers are currently revising the proposed tree ordinance.

The Supervisor told Mr. Kaufman that the Town does have problems with the availability of rooms of the Yorktown Community and Cultural Center. The Town Board at some point will begin taking a hard look at the use of the rooms at the YCCC and we may have to forsake some rent.

Supervisor Siegel told Mr. Primavera that the Town Board will have to take a look at the Landmark Preservation law.

Supervisor Siegel told Mr. DiBartolo that there may have been some confusion because Senator Liebell was able to get two grants for the Town of Yorktown. One of them, a smaller grant paid for plans that were developed and shown to the community during 2008. She recalled looking at the plans during a meeting of the Town Board.

Councilman Martorano stated that he agrees with what Mr. Moskowitz said about trees. If we do not stop the assault on them now, the environment will be ruined. He further stated that there is a need to plant new trees. Addressing Mr. Grasso, the Councilman stated that when he talks about bonding, he is only talking about bonding major items. Councilman Martorano stated that he had the same concerns as Mr. Primavera has about the Landmarks Preservation Law. He doesn't believe structures should be landmarked without owner consent. He voted against the adoption of the law for this reason.

Councilman Murphy stated that he met with the two volunteers who are working on the Tree Ordinance. He said there must be procedures in place for cutting down trees. Councilman Murphy stated that he is against clear cutting trees.

Councilman Patel stated that a major concern of the Town should be the continuous supply of electricity.

Speaking about the New York State grant that was mentioned by Supervisor Siegel, Councilman Martorano stated that he is a proponent for having a stand alone Senior Center. The previous Town Board had many discussions about a senior center, but there was no clear direction on whether we should build a new one or renovate the existing rooms at the YCCC. We apparently didn't know there was a time limit on the grant. He is disappointed about what happened.

ADVERTISE PUBLIC HEARING  
WETLANDS PERMIT – CONSTRUCTION OF SINGLE FAMILY HOUSE  
BONSIGNORE – 738 EAST MAIN STREET  
RESOLUTION #139

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of April, 2010 at 7:00 o'clock PM to consider the application of Brian Bonsignore for a Wetlands Permit to construct a 1,500 square foot foundation for a single family dwelling at 738 East Main Street, Yorktown Heights, NY 10598.

A copy of said proposal 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

AWARD BID  
STREET LIGHT MAINTENANCE  
RESOLUTION #140

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

WHEREAS, invitation to bid for the Street Light Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on March 1, 2010, with the bid amounts for the above-referenced project summarized as follows:

P & M Electric	(Year 2010-2011)
Hourly Rate per Person	
Weekdays 8am to 4pm	\$94.00 Mechanic
Nights 4am to 8pm	\$141.00 Mechanic
Weekends/Holidays	\$188.00 Mechanic

Hourly Rate Bucket Truck	\$20.00	
Hourly Rate Pole Line Truck	n/c	
Hourly Rate Stake Body Truck	n/c	
Hourly Rate Pick-Up Truck	\$10.00	
Hourly Rate Van	\$10.00	
LK Equities LTD	(Year 2010-2011)	
Hourly Rate per Person		
Weekdays 8am to 4pm	\$90.00 Mechanic	\$50.00 Helper
Nights 4am to 8pm	\$120.00 Mechanic	\$65.00 Helper
Weekends/Holidays	\$150.00 Mechanic	\$65.00 Helper
Hourly Rate Bucket Truck	\$85.00	
Hourly Rate Pole Line Truck	\$85.00	
Hourly Rate Stake Body Truck	\$75.00	
Hourly Rate Pick-Up Truck	\$50.00	
Hourly Rate Van	\$50.00	
Verde Electric Maintenance	(Year 2010-2011)	
Hourly Rate per Person		
Weekdays 8am to 4pm	\$120.00 Mechanic	\$83.00 Helper
Nights 4am to 8pm	\$182.00 Mechanic	\$127.00 Helper
Weekends/Holidays	\$220.00 Mechanic	\$165.00 Helper
Hourly Rate Bucket Truck	\$160.00	
Hourly Rate Pole Line Truck	\$160.00	
Hourly Rate Stake Body Truck	\$160.00	
Hourly Rate Pick-Up Truck	\$105.00	
Hourly Rate Van	\$75.00	
Delta Electric, Inc.	(Year 2010-2011)	
Hourly Rate per Person		
Weekdays 8am to 4pm	\$100.00 Mechanic	\$46.24 Helper
Nights 4am to 8pm Sat, Holidays	\$135.92 Mechanic	\$62.53 Helper
Sundays	\$171.14 Mechanic	\$78.82 Helper
Hourly Rate Bucket Truck	\$95.00	
Hourly Rate Pole Line Truck	\$95.00	
Hourly Rate Stake Body Truck	\$55.00	
Hourly Rate Pick-Up Truck	N/C	
Hourly Rate Van	N/C	

RESOLVED, that upon the recommendation of the Town Comptroller, Joan Goldberg, the bid for the Street Light Maintenance be and is hereby awarded to P&M Electric, Inc., the lowest responsible bidder.

FURTHER RESOLVED, this contract is effective for one (1) year from March 1, 2010 through February 28, 2011 with an option to extend for two additional years in one year increments upon its original terms and conditions.

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

AWARD BID  
TRAFFIC LIGHT REPAIR/MAINTENANCE  
RESOLUTION #141

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

WHEREAS, invitation to bid for the Traffic Light Repair/Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on March 1, 2010, with the bid amounts for the above-referenced project summarized as follows:

Verde Electric Maintenance Corp.	(Year 2010-2011)
Hourly Rate per Person:	
Weekdays 8am to 4pm	\$120.00 Mechanic, \$83.00 Helper
Nights 4pm to 8am	\$182.00 Mechanic, \$127.00 Helper
Weekends/Holidays	\$220.00 Mechanic, \$165.00 Helper

RESOLVED, that upon the recommendation of the Town Comptroller, Joan Goldberg, the bid for the Traffic Light Repair/Maintenance be and is hereby awarded to Verde Electric Maintenance Corp, the sole responsible bidder.

FURTHER RESOLVED, this contract is effective for one (1) year from March 1, 2010 through February 28, 2011 with an option to extend for two additional years in one year increments upon its original terms and conditions.

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

APPROVE ATTENDENCE  
BUILDING DEPARTMENT – TRAINING SEMINAR  
RESOLUTION #142

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

BE IT RESOLVED, that the Town Board hereby authorizes Building Inspector William Gregory, Assistant Building Inspector Glen Sneyd and Assistant Building Inspector Brad Goodman to attend the Hudson Valley Educational Conference in Poughkeepsie, New York on April 7, 8, and 9, 2010.

FURTHER RESOLVED, the total cost will be \$275.00 as Mr. Sneyd's registration has already been paid and there will be no cost for Building Inspector William Gregory's attendance;

BE IT FURTHER RESOLVED, that money is available in the Building Department training budget A3620.423 for the cost. There will be no overnight charges.

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

APPROVE ATTENDENCE  
BUILDING DEPARTMENT – EASTERN STATES BUILDING OFFICIALS SCHOOL  
WILLIAM GREGORY  
RESOLUTION #143

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

BE IT RESOLVED, that the Town Board hereby authorizes the Building Inspector William Gregory to attend the Eastern States Building Officials School in Newport, Rhode Island from April 11 through April 14, 2010; and

BE IT FURTHER RESOLVED, that the total cost will be \$1,050.00 plus incidental charges for gas and tolls; and

BE IT FURTHER RESOLVED, that money is available in the Building Department training budget, A3620.423 for the cost.

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

APPROVE BUDGET TRANSFERS  
2009 AND 2010 BUDGETS  
RESOLUTION #144

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

BE IT RESOLVED, the attached 2009 and 2010 budget transfers are hereby authorized.

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

RELEASE WETLANDS BOND  
WP-021-09  
RESOLUTION #145

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

WHEREAS, Vision Property Group, LLC, as applicant, heretofore filed a Wetland Bond in the amount of \$1,000.00, which was deposited into the T33 Account on June 25, 2009 covering Wetland Permit #021-09, for work performed (demo of structure) at the Chase Bank site on Route 202; and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$1,000.00 for wetlands may be released; NOW, THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$1,000.00 be and is hereby released to Vision Property Group, LLC, 39 Fields Lane, North Salem, New York 10560, Attn: Tom Kalensky.

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

RELEASE WETLANDS BOND  
WP-023-08  
RESOLUTION #146

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

WHEREAS, Peter Kuczma, as applicant, heretofore filed a Wetland Bond in the amount of \$300.00, which was deposited into the T33 Account on May 30, 2008, covering Wetland Permit #023-08, for work performed at his Old Yorktown Road residence; and

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

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Mr. Peter Kuczma, 2748 Old Yorktown Road, Yorktown Heights, New York 10598.

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

AUTHORIZE SUPERVISOR TO SIGN  
GIS AGREEMENT WITH FRED KOELSCH  
RESOLUTION #147

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Fred Koelsch, for GIS Services for the Town of Yorktown, for the time period of April 1, 2010 to April 1, 2012; BE IT FURTHER

RESOLVED, that the above referenced services are not to exceed a maximum annual fee of \$39,000.00.

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

ACCEPT BOND  
EXCAVATION PERMIT  
E-002-10  
RESOLUTION #148

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

WHEREAS, Mark Marricco, as applicant, provided the Town with Check No. 1732 in the amount of \$7,500.00, to serve as the Erosion Control Bond for Excavation Permit #E-002-10 for work to be done at his site located on Indian Hill Road; NOW THEREFORE BE IT

RESOLVED, that the above referenced check is hereby accepted to serve as the bond for the Marricco Subdivision.

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

RELEASE ESCROW DEPOSIT  
STREET OPENING PERMIT  
RESOLUTION #149

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

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>
Street Opening	009-006	\$1,000.00	Ivy Rd.	Jeffrey/Lynn Cusma 1289 Ivy Rd. Mohegan Lake, NY 10547

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

AUTHORIZE SUPERVISOR TO SIGN  
SIX-MONTH CONTRACT WITH PAULA COSTELLO  
PART-TIME SOCIAL WORKER – SENIOR SERVICES  
RESOLUTION #150

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

WHEREAS, the Town has obtained a grant in the amount of \$330,000.00 from the Administration on Aging of the U.S. Department of Health and Human Services; and

WHEREAS, the Town seeks to enhance the well-being of the seniors of Yorktown by providing assessments, consultation and short-term intervention to senior center members on an as-needed basis; assessing the social services and programming needs of

the Yorktown senior population and their caregivers; keeping track of the health of senior citizens; promoting seniors' positive lifestyles; and providing information regarding health services and social services available to seniors of Yorktown; and

WHEREAS, the Town intends to use the grant in part to fund a part-time temporary social worker to provide services in effectuating such goals; and

WHEREAS, the Town issued a Request for Proposals on February 17, 2010; and

WHEREAS, a proposal was timely received that upon evaluation was determined to meet the needs of the Town and the requirements of the grant;

NOW, BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into a Contractor Agreement with PAULA COSTELLA (Contractor) to serve as part-time social worker for a period of nine months commencing upon the signing of the Contract. The Town shall pay Contractor a total fee of Twenty-Seven Thousand Dollars (\$27,000.00), to be paid in monthly installments of Three Thousand Dollars (\$3,000.00).

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

ATTENDANCE RECERTIFICATION COURSE  
VOICE STREE ANALYZERDETECTIVE SEAN LEWIS  
RESOLUTION #151

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

BE IT RESOLVED, that the Town Board hereby authorizes Detective Sean Lewis to attend a Certified Voice Stress Analyzer Recertification Course from April 13, 2010 through April 15, 2010 in Scranton, Pennsylvania.

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

AUTHORIZE SUPERVISOR TO SIGN  
CROTON KENSICO WATERSHED INTERMUNICIPAL COALITION  
APPLY FOR NYS DEPARTMENT OF STATE LOCAL GOVERNEMENT  
EFFICIENCY IN IMPLEMINATION GRANT  
RESOLUTION #152

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

WHEREAS, the Town of Yorktown is a member of the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) which consists of the Towns of Bedford, Cortlandt, Harrison, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mt. Kisco in Westchester County, whose land area is located wholly or partially within the Croton and/or Kensico Watersheds; and

WHEREAS, on May 27, 2008 the Town of Somers was designated to be the lead municipality to accept and administer funds, such as the Water Quality Planning & Implementation Grant, the East-of-Hudson Water Quality Investment Program Funds or the 2007 Filtration Avoidance Determination East-of-Hudson Non-Point Source Pollution Control Program Funds, on behalf of the participating municipalities; and

WHEREAS, on February 24, 2010 the Town of Somers, on behalf of CKWIC, applied for a 2010 NYS Department of State Local Government Efficiency in Implementation Grant for Regional Implementation of Individual MS4 Phosphorus Reduction Requirements (Stormwater Retrofits) which would require establishment of a Public Benefit Corporation (PBC) and the related work program for implementation of CKWICs draft Regional Stormwater Implementation Plan; and

WHEREAS, the receipt of the 2010 NYS Department of State Local Government Efficiency in Implementation Grant would require that CKWIC municipalities would regionally implement the required stormwater retrofits pursuant to the MS4 permit requirements rather than implement them on an individual basis; and

WHEREAS, the grant request was made for \$500,000.00 and in accordance with the grant requirements \$50,000.00 or 10% of this grant request must come from local sources of funding/services.

NOW, THEREFORE BE IT RESOLVED, that the Town of Yorktown fully supports the 2010 NYS Department of State Local Government Efficiency in Implementation Grant application made on behalf of the CKWIC; and

BE IT FURTHER RESOLVED, that the Town of Somers shall continue to be designated the lead municipality to execute all financial and/or administrative processes on behalf of the participating municipalities, regarding the acquisition of grants or other funds for CKWIC, including the 2010 NYS Department of State Local Government Efficiency in Implementation Grant until such time as the PBC is formed and operational; and

IN WITNESS WHEREOF, the Chief Elected Official of the Town of Yorktown or their designated representative is hereby authorized to affix their signature by authority vested in them on this resolution

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

PAYMENT FOR INTERIM GENERAL COUNSEL SERVICES  
WORMSER, KIELY, GALEF & JACOBS  
RESOLUTION #153

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

RESOLVED, that Wormser, Kiely, Galef & Jacobs LLP, shall continue its work as Interim Town Attorney as established by resolution of the Town Board dated January 19, 2010, for the period March 1, 2010 through March 12, 2010, and shall be paid for such services the sum of \$4,000.00 representing the pro-rata portion of the retainer authorized by said resolution of January 19, 2010.

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

AUTHORIZE SUPERVISOR TOO SIGN  
ENGAGEMENT LETTER WITH WORMSER, KIELY, GALEF & JACOBS  
LEGAL SERVICES - SPECIAL COUNSEL AND TAX CERTIORARI  
RESOLUTION #154

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

RESOLVED, that the Supervisor is authorized to sign an engagement letter with Wormser, Kiely, Galef & Jacobs LLP for providing legal services as Special Counsel and Tax Certiorari Counsel to the Town of Yorktown.

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

WESTCHESTER COUNTY BOARD OF LEGISLATORS  
2010 LEGISLATIVE PACKAGE  
RESOLUTION #155

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

RESOLVED, that the Supervisor is authorized to send a letter to the Westchester County Executive and Westchester County Legislature supporting the 2010 Westchester County Joint Legislative Package.

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

APPOINTMENT

MARTIN MCGANNON – MAINTENANCE WORKER – MECHANICAL  
RESOLUTION #156

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

BE IT RESOLVED, that Martin McGannon is hereby appointed Maintenance Worker-Mechanical, job class code 0443-02, in the Sewer Department, effective March 17, 2010, with no change in salary.

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

APPOINTMENT

ELFRIEDE SCHMID – RECEIVER OF TAXES  
RESOLUTION #157

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

RESOLVED, that Elfriede Schmid be appointed Receiver of Taxes for a seven month period ending July 31, 2010 and

BE IT FURTHER RESOLVED, that during that time, Ms. Schmid will work closely with the Supervisor and Town Board to implement cost savings measures in the tax office by July 31, 2010 including but not limited to:

1. implement any Town Board resolution authorizing a lock box system for the collection of tax payments by June 1<sup>st</sup>
2. prepare a report for the Town Board by May 15<sup>th</sup> on the costs and benefits of accepting online tax payments
3. establish protocols with the Tax Assessor's office for the sharing of the Assessment Tax Aide so that the aide can physically remain in the tax office while answering phones and doing work for the Tax Assessor's office
4. reallocate work assignments within the tax office in order to increase the productivity of all department employees
5. work with the Town Comptroller to identify and implement additional measures that can increase the productivity and efficiency of the tax office and its coordination with the finance department and make recommendations to the Town Board if policy or legislative changes are needed to implement any recommendations.

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

REFERRAL – SPECIAL USE PERMIT

CORNER CAR ACRE  
ROUTE 6 & LEXINGTON AVENUE  
RESOLUTION #158

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

WHEREAS, Corner Car Care has made a request for a special use permit approval for property located at Route 6 and Lexington Avenue, Yorktown, New York for the restoration of gas pumps with canopy above. The application for the special use permit will be referred to the following agencies:

ABACA  
Building Inspector  
Conservation Board  
Planning Department  
Town Attorney  
Town Board  
Town Engineer  
Planning Board

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

MONTHLY REPORTS

Building Department Construction Report – February 2010  
Receiver of Taxes – 3 Reports

REFUND DUPLICATE TAXES

ACCOUNT #3330500, 2855500, 381500

RESOLUTION #159

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

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</u>
2008 Sch 22	37.18-2-12	3330500	\$3,009.35
2009 Sch 21	17.14-2-45	2855500	\$3,578.02
2009 Sch 22	27.14-2-27	3818500	\$3,466.99

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

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

Mr. Gil Kaufman agreed with what the Supervisor stated about the rooms being problematic at the YCCC. We need a plan. He believes a room on the second floor may be feasible.

Mrs. Serafina Mastro asked about the status of the winery? She also suggested placing a modular building on a piece of town owned property as a senior center.

Mrs. Jennie Menton reminded the Town Board that she asked the former board not to forget about the seniors when making decisions about the Yorktown Community and Cultural Center. She further stated that she feels it is important that this issue be placed on the calendar. Mrs. Menton further stated that we need to review the lease agreement for Yorktown Stage. She is concerned with how much they may or may not be paying.

Ms. Paula Costella thanked the Town Board for her appointment as a part-time social worker for seniors. She looks forward to working with seniors and serving the community.

Mr. Steve Gardner stated that he is not in favor of taking a chain saw to the older trees, but he is concern about the possible hazard they represent. He suggested that the town begin its tree planting program on some of the open space it has purchased.

COURTESY OF THE FLOOR CLOSED

## RESPONSES TO COURTESY OF THE FLOOR:

Speaking to Mrs. Menton, Supervisor Siegel stated that the Town Board discussed a new lease agreement for Yorktown Stage at last week's work session. There had been some confusion between Mr. Liebman about a new rental agreement that appeared to have been drafted in December, 2009. As soon as the lease agreement is reached, the Town Board will bring in Mrs. DeMarsh from the YCCC for a discussion.

Supervisor Siegel explained that the winery is two issues. There was a lawsuit where the Town requested a Temporary Restraining Order barring the owner from operating commercially. The Judge ruled that since the owner is running for Congress, he can hold fund raisers with up to 100 people in the building. He is barred from doing commercial business there. The second issue is that owner has applied for a special use permit to operate a restaurant from the Zoning Board of Appeals. He has also applied to the Town Board to have his property rezoning to what is called a transitional district. He is being treated like any other applicant. He has been asked to supply certain material which he has not given in. At this point, everything that can be done has been. It is up to the applicant at this point.

Supervisor Siegel told Mr. Gardner that the two volunteers who are working on the proposed Tree Ordinance, Anne Kutter and Linda Miller in their latest draft suggests planting new trees as a form of mitigation for taking them down.

Councilman Martorano addressing Mrs. Menton's concern with the theatre agreement stated that the former Town Board did meet with Mr. Liebman from Yorktown Stage. We did have an oral agreement with him. The agreement was supposed to be put into writing. It wasn't. We have to move forward.

## EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to receive an update on labor negotiations.

## ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown