

Regular meeting held by the Town Board,
Town of Yorktown on April 6, 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
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss land purchase negotiations and personnel.

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 announced that 2010 Census Forms have been mailed to each household and she urged everyone to fill it out and send it in. She stated that getting an accurate count of Yorktown's population is absolutely critical because money that is received from the Federal and State Governments for grants is based on population. Census Forms are available at the John C. Hart Memorial Library, Town Hall, YCCC Building, Parks and Recreation Department and can be mailed. Contact the Town Clerk's office at 914-962-5722 x210.

Councilman Murphy stated that if the form asks for your Social Security number it is a fake do not fill it out.

Supervisor Siegel announced that the Battle of Yorktown will take place on April 17, 2010, anyone interested in participating contact the Department of Environmental Conservation at 245-4438. Supervisor Siegel stated that several years ago the NYS Legislature passed an exemption for seniors based on income and gave an option to Town's, Counties and School Districts to adopt this legislation. This has nothing to do with the STAR Program. Westchester County, the Town of Yorktown and the Yorktown School District have increased exemptions for seniors for several years in a row, each year it has gone up. The Lakeland School District has chosen to stay at the 2007 rates so there is a disparity between what the Yorktown School District seniors get in exemptions and what the Lakeland School District seniors get. The NYS DOT construction on the Taconic Bridge will begin in the spring of 2012. During 2011 a bypass will be constructed. The northbound bridge will be closed and the southbound bridge will be converted to four lanes two in each direction and the bypass will continue up to Underhill Avenue. NYS DOT will be repaving Route 35 from Lexington Avenue to Route 118. Supervisor Siegel stated that the gazebo was just restored and there has been damage done from skateboarders. She urged anyone seeing skateboarders in the gazebo to call the Police Department.

DURING THEIR REPORTS TO THE TOWN, Councilman Bianco stated that everyone should have received their Town and County Tax bills. Hopefully, next year it can be made easier to understand. The MTA tax is \$4.41 and the average Town total tax increase is approximately \$21. Please get a copy of your tax bill and read it, if you have any question contact Councilman Bianco.

Councilman Murphy acknowledged members of the Water Department for fixing a water main break on Sunday, March 21, 2010, members of the Parks & Recreation Department for cleaning up some trees, and Community Service Worker James Waterhouse for helping a constituent on Rochambeau Drive. Councilman Murphy stated that Supervisor Siegel received a letter from a son thanking the Nutrition Center for helping his father by bringing him meals. He also stated that the Town is eligible for a \$50,000 Grant from Pepsi for Yorktown's Teen Center. He urged everyone to visit the website and support the Teen Center at www.refresheverything.com/Yorktownteencenter

Councilman Patel stated that the Town of Yorktown received the Green Star Award from Grassroots Environmental Education for being a sustainable and environmentally-aware community. He acknowledged Boy Scout Troop 164, Thomas Jefferson School Reading Day, urged everyone to participate in Yorktown's Clean up Day on April 17, 2010 and asked people to help protect the gazebo.

DURING HIS REPORT FROM WHITE PLAINS, Westchester County Legislator Michael Kaplowitz stated that the Westchester County Legislators voted last month for Community Development Block Grant money in the amount of \$125,000 for the Town of Yorktown to use for a Senior Center. Additional monies may also be available. Mr. Kaplowitz stated that the County Executive has announced a budget gap of 166 million dollars on the Country Level. He feels the Town of Yorktown will have a budget gap also and everyone will have to become more efficient, internally consolidate and look for ways to save at the local levels as well. He stated that he did not take his stipend for chairing the Operations, Efficiencies and Savings Committee. He stated that Westchester County Legislators voted unanimously to support an initiative that he put forward to call on the NYS Legislature to change the world pensions for municipal employees. He stated that it calls to define the benefits plan and to do away with overtime being factored in. Overtime should not count towards your pension. It calls to change the type of plan to a defined contribution plan so that government puts in a set amount every year and communities will not be called upon to come up with huge retirement contributions. If we can achieve some of this reform it will finally be a settling down of two major drives of expenses, healthcare being the other one. If we can get a handle on retirement costs it will be fair, equitably and most importantly taxpayer friendly. This will help keep property tax increases down and get a handle on our budgets. He will forward the resolution to the Town of Yorktown for its review and hopefully, the Town of Yorktown will sign on to it.

Supervisor Siegel thanked Westchester County Legislator Michael Kaplowitz for all his work with this legislation and for the money for the Senior Center.

COURTESY OF THE FLOOR

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

Dr. Charles Bierman stated that he was at the February meeting and spoke about the excessive noise at the John C. Hart Memorial Library. He feels that the Town is giving preference to people making the noise and no consideration to people being disturbed. He stated that he gave the Town Board a packet at the February meeting and has not received any response from the Town Board with regards to it. He feels there has been a violation of the Library's Code of Conduct and nothing is being done about it. He would like the Town Board to make recommendations to the Board of Library Trustees with regards to these issues.

Mrs. Marilyn Levin stated that she is very concerned with the changes made at Patriot Skate Park. Without an attendant many of the children are no longer wearing protective gear. The Town Built the park a year or two ago so that the children of the Town have a safe place to skateboard. She feels it is no longer safe. Without helmets someone is going to get hurt. She feels that having an attendant is safer for the children who are using the park. She stated that there are younger children using the park who deserve your consideration and they need the attendant there so that the rules are enforced.

Mr. John Schroeder stated that for the past twelve years they have listened to the sound of rock hammering at all hours of the day and night coming from the Sanctuary Golf Course. He feels it is intolerable. He stated that they are operating under a special use variance which is open ended. He feels that they are not in compliance with their special use variance, are not in compliance with their environmental assessment of the project and this is only phase 1 out of four phases. This has been going on for many years and he would like to come before the Town Board and give a presentation to discuss his concerns.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to questions and comments stating:

Dr. Bierman, the Town Board did talk to the Library Director and asked that the proper procedures be followed that respect all users.

Mrs. Levin, I commend you for being a responsible parent and for requiring your children to wear the proper safety equipment. Signs have always been posted at the skate park about wearing protective equipment. If some people chose to ignore it, that is at their own risk. The Town's Insurance Broker stated that it is counterintuitive. The Town's Insurance Broker has checked with several other insurances and this has become the standard in the industry. None of the Town's parks have attendants that monitor behavior. The skate park was opened because from a due diligence point of view it reduces the Town's liability which is a concern to all residents. This is not a decision that the Town Board rushed into and we are following the advice of the Town's Insurance Carrier.

Councilman Martorano thanked Mrs. Levin for her email and stated this surprised him also. He feels we should keep a close watch on the safety issue.

Supervisor Siegel stated that she will be in touch with Mr. Schroeder regarding Sanctuary Golf Course.

SCHOOOL RESOURCE OFFICERS

SET REIMBURSEMENT RATE 2010 – YORKTOWN POLICE DEPARTMENT RESOLUTION #175

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

WHEREAS, the Lakeland Central School District has requested that the Yorktown Police Department provide a School Resource Officer Program in the Lakeland High School and the Lakeland Middle School; and

WHEREAS, the Yorktown Central School District has requested that the Yorktown Police Department provide a School Resource Officer Program in the Yorktown High School and the Yorktown Middle School; and

WHEREAS, the Town of Yorktown recognizes the benefits to the residents of the Town of Yorktown of a School Resource Officer Program in the Lakeland Central School District and the Yorktown Central School District; and

WHEREAS, the Town of Cortlandt recognizes the benefits to the residents of the Town of Cortlandt of a School Resource Officer Program in the Lakeland Middle School; and

WHEREAS, the Lakeland Central School District agrees to financially assist with the Town of Yorktown's costs in providing a School Resource Officer Program in the Lakeland High School and the Lakeland Middle School; and

WHEREAS, the Yorktown Central School District agrees to financially assist with the Town of Yorktown's costs in providing a School Resource Officer Program in the Yorktown High School and the Yorktown Middle School; and

WHEREAS, the Town of Cortlandt agrees to financially assist with the Town of Yorktown's costs in providing a School Resource Officer Program in the Lakeland Middle School; and

WHEREAS, the Comptroller of the Town of Yorktown has determined the total cost of the School Resource Officer Program for the calendar year 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Board upon the recommendation of the Town Comptroller has set the cost of the School Resource Officer Program for the calendar year 2012 as follows:

Lakeland High School	\$86,750.00
Lakeland Middle School	\$86,750.00
Town of Cortlandt (Lakeland Middle School)	\$43,375.00
Yorktown High School	\$86,750.00
Yorktown Middle School	\$86,750.00

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

AUTHORIZE SUPERVISOR TO SIGN
INTERMUNICIPAL AGREEMENT WESTCHESTER COUNTY
FACILITATING ELECTRONIC TRANSMISSION AND STORAGE OF CRIMINAL
RECORD AND POLICE BLOTTER INFORMATION
RESOLUTION #176

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

RESOLVED, that the Town Supervisor is authorized to sign an intermunicipal agreement with Westchester County for the purpose of facilitating the electronic transmission and storage of criminal record and police blotter information in the Westchester County Repository for Integrated Criminalistic Information ("RICI") System.

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

REFUND WATER ACCOUNT
#41-02691295 - \$349.50
RESOLUTION #177

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

RESOLVED, that upon recommendation of the Northern Westchester Joint Water Works, a refund in the amount of \$349.50 be and is hereby refunded to Account # 41-02691295.

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

AWARD BID
ELECTRICAL WORK ON TOWN BUILDINGS
RESOLUTION #178

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

WHEREAS, invitation to bid for the Electrical Work on Town Buildings was duly advertised; and

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

LK Equities (Year 2010-2011)	Hourly Rate Per Person	
Weekdays 8AM to 4PM	\$90.00 Mechanic	\$45.00 Helper
Nights 4PM to 8AM	\$120.00 Mechanic	\$60.00 Helper
Weekends/Holidays	\$150.00 Mechanic	\$60.00 Helper

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

Delta Electric (Year 2010-2011)	Hourly Rate Per Person	
Weekdays 8AM to 4PM	\$100.70 Mechanic	\$46.24 Helper
Nights 4PM to 8AM	\$135.92 Mechanic	\$62.53 Helper
Weekends/Holidays	\$171.14 Mechanic	\$78.82 Helper

RESOLVED, that the bid for the Electrical Work on Town Buildings be and is hereby awarded to LK Equities, the lowest bidder.

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

PUBLIC HEARING

BONSIGNORE – WETLANDS PERMIT

CONSTRUCT A 1,500 SF HOME – 738 EAST MAIN STREET

Supervisor Siegel called to order a public hearing to consider the application of Brian Bonsignore for a Wetlands Permit to construct the following certain improvements: a detached, single family home, driveway, water service connection and sewer connection on a property located at 738 East Main Street which is identified on the Town of Yorktown tax rolls as Section 16.07 Block 1 Lot 37.

The action will occur within 100' of a Town of Yorktown regulated wetland. The NYSDEC has been consulted and has determined that the wetland and wetland buffer do not fall within its jurisdiction. The Deputy Town Clerk presented affidavits of posting and publication.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Bianco motioned, seconded by Councilman Martorano.

WETLAND PERMIT APPLICATION WP# 053-09

BRIAN BONSIGNORE - 738 EAST MAIN STREET

RESOLUTION #179

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

WHEREAS, on December 14, 2009, an application from Brian Bonsignore for a Wetland Permit under the provisions of Chapter 178 of the Code of the Town of Yorktown “*Freshwater Wetlands and Watercourse Protection Law*” was received by the Yorktown Town Board; and

WHEREAS, the Town Board reviewed the application at a regularly scheduled meeting on March 23, 2010 at which time the Board instructed the Applicant to supply additional information; and

WHEREAS, the Applicant submitted the additional requested information; and

WHEREAS, the Town Board conducted a public hearing and solicited public comment at a regularly scheduled meeting on April 6, 2010; and

WHEREAS, as the Town Board determined that there would be no significant environmental impact, the public hearing was closed April 6, 2010; and

WHEREAS, the action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617:

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby finds that the action will not result in any significant adverse environmental impacts and an Environmental Impact Statement will not be required for the following reasons:

1. As a result of the required mitigation measures forth in this Approval, the action will not negatively affect any water body designated as protected under Article 15, 24, or 25 of the Environmental Conservation Law. All proposed activities occur outside of wetland and wetland buffer areas regulated by the New York State Department of Environmental Conservation.
2. The proposed construction will occur only within the 100-foot Town of Yorktown regulated wetland buffer and only invasive species removal and wetland restoration shall occur within Town of Yorktown regulated wetlands. Therefore, the action will not result in the direct net loss or degradation of any locally or State regulated wetlands on the site.
3. The action will not affect surface or ground water quality or quantity.
4. The action will not affect any threatened or endangered species.
5. The Town Board has considered alternatives for the size and configuration of the action and has selected those alternatives that avoid impacts to wetlands and watercourses and minimizes, to the maximum extent practicable, impacts to the locally regulated 100-foot wetland setback.
6. The Applicant will be required to perform mitigation for those impacts due to construction within the 100-foot regulated setback area that cannot be further minimized or avoided. These include erosion and sediment controls, installation of a wetland enhancement plan, and installation of stormwater controls.
7. The action will not cause a substantial adverse change in the existing air quality, traffic or noise levels or a substantial increase in solid waste production.
8. The action will not cause the removal or destruction of large quantities of vegetation or fauna, the substantial interference with the movement of any resident or migratory fish and wildlife species, impacts on a significant habitat area or other significant adverse impacts to natural resources.
9. For the reasons stated above, the Applicant has demonstrated that the action will not have significant adverse impacts on the environment or on the public health and welfare including impacts on such wetland functions as water quality preservation, flood control and wildlife habitat.

BE IT FURTHER RESOLVED, that in granting this wetland activity permit the Town Board has evaluated wetland, watercourse and buffer area functions and the role of the wetland, watercourse and buffer area in the hydrologic and ecological system, and has determined that the impact of the proposed activity upon public health and safety; special concern, rare, threatened and endangered species; water quality; and additional wetland, watercourse and buffer area functions has been avoided, or minimized to the maximum extent practicable. In this determination, the Town Board has taken into consideration the following factors:

1. The overall impact of the proposed action and existing and reasonably anticipated similar activities, upon neighboring land uses and wetland, watercourse and/or buffer area functions, including but not limited to:
 - (a) Direct impacts or infilling of a wetland, watercourse and impacts to the buffer area, including modification of natural topographic contours, have been minimized to the maximum extent practicable.
 - (b) Disturbance or destruction of native flora and fauna has been minimized to the maximum extent practicable and a natural buffer area will be restored over the wetland resource.
 - (c) Influx of sediments or other materials causing increased water turbidity and/or substrate aggradations have been minimized by the implementation of an erosion and sediment control plan.
 - (d) Removal of wetland or watercourse areas has been completely avoided, and disturbance to buffer area soils has been minimized to the maximum extent practicable.
 - (e) Reductions or increases in wetland or watercourse water supply have been avoided.
 - (f) Interference with wetland or watercourse water circulation and flow has been avoided.
 - (g) Changes in the amount or type of wetland or watercourse nutrients have been avoided.
 - (h) Influx or discharge of toxic chemicals and/or heavy metals has been avoided.
 - (i) Physical and chemical changes to the wetland or watercourse water supply have been avoided.
 - (j) Destruction, reduction and diminution of natural and native aesthetic values have been avoided.
 - (k) Reduction in public recreational or educational use and access has been avoided since the site is private property.
 - (l) Impact to, and alteration or disturbance of buffer areas have been reduced to the maximum extent practicable, but still allow the owner to utilize the site.
2. Any existing wetland, watercourse and/or buffer area impacts have been minimized to the greatest extent practicable, as set forth in this Approval and the cumulative effect of reasonably anticipated future activities in the wetland, watercourse and/or buffer area have been avoided.
3. the impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers, and water quality have been considered and avoided by the requirement and implementation of a stormwater management plan.
4. The potential effect of flooding, erosion, hurricane winds, soil limitations, and other hazards on the proposed activity, and possible losses to the applicant and subsequent purchasers of the land have been avoided by locating all improvements outside of flood hazard zones.
5. The application is consistent with Federal, State, County, Regional, and local comprehensive land-use plans and regulations and all relevant permits have been or will be obtained.
6. The availability of preferable or environmentally compatible alternative locations on the subject parcel or, in the case of an activity which cannot be undertaken on the property without disturbance to wetlands, watercourses and/or buffer areas, the availability of other reasonable or practicable locations for the activity have been considered and the alternative that minimizes impacts to the regulated wetland buffer resource has been selected.

BE IT FURTHER RESOLVED, the Town Board, in granting this wetland permit determines impacts to the affected wetland buffer area are necessary and unavoidable,

and have been minimized to the maximum extent practicable. The Town Board further states that in determining that the impacts are necessary and unavoidable the following criteria have been satisfied:

1. The proposed action is compatible with the public health and welfare for the reasons set forth in this Approval.
2. There is no reasonably feasible on-site alternative to the proposed action in the judgment of the Town Board including reduction in density, change in use, revision in the location of buildings, structures, driveways and other site construction and land altering activities, and/or related site planning considerations that could otherwise reasonably accomplish the Applicant's objectives. The Town Board has considered, in depth, alternatives and has encouraged and/or directed the Applicant to implement those feasible alternatives which have minimized the impacts of this application.
3. There is no reasonably feasible alternative to the proposed action on another site or site location. Other than wetland restoration, the proposed activity is not located in a wetland or watercourse and the proposed improvements are located the maximum feasible distance from the regulated resource but still maintain statutory setbacks to the proposed work.

BE IT FURTHER RESOLVED, upon full consideration of the above, the Town Board finds that the application of Brian Bonsignore for a Wetland Permit for construction of a single family residence, driveway, water and sewer service lines within the locally regulated 100-foot wetland buffer is consistent with the provisions and policies of Chapter 178 of the Code of the Town of Yorktown and a permit is approved, subject to the following conditions:

1. All construction, mitigation and drainage work shall be in full accordance with the following plans and reports:
 - Plan entitled; "New Residence-Brian Bonsignore" prepared by Donato R. Pennella, P.E. dated 11/27/09 (rev), 1 sheet: 1 of 2
 - Short-form EAF prepared by Brian Bonsignore (undated and unexecuted).
2. **Prior to any site disturbance and the issuance of a building permit from the Town of Yorktown Building Inspector the following documents must be submitted to the Town Engineer for review and approval:**
 - a) A complete stormwater pollution prevention plan in compliance with Chapter 248, "Stormwater Management" the Town of Yorktown Town Code. If the area of disturbance is determined to be greater than one acre, a NYSDEC NOI and MS4 acceptance form must be provided.
 - b) A wetland and wetland buffer mitigation plan.
 - c) An executed and dated EAF.
 - d) The owner and contractor shall provide a written statement acknowledging that they have read, and will abide by all conditions of this permit.
3. An as-built map must be provided by the applicant's consulting engineer or architect documenting that all additions, site improvements and stormwater drainage and wetland and wetland buffer improvements have been installed in accordance with the approved plans and report referenced above. In addition, an "as-built" map of the mitigation plantings shall also be provided. As-built maps must be provided to the Town Engineer prior to the issuance of a certificate of occupancy.
4. All erosion controls shall be installed in compliance with the NYS Standards and Specifications for Erosion and Sediment Control (most recent edition). Additional erosion control(s) may be required by the Town Environmental Inspector, Town Engineer or Building Inspector. The Town Engineer may require modification of the stormwater controls if determined to be necessary.

5. At least five days prior to the commencement of construction, the Applicant or their representative shall provide the Town Environmental Inspector **written** notification of the intention to begin work.
6. Upon completion of the installation of the temporary erosion controls, the contractor shall contact the Town Environmental Inspector (914-962-5722) to schedule a pre-construction meeting and inspection of the erosion controls. The site shall be monitored weekly during construction for compliance with the approved Erosion and Sediment Control Plan by a qualified professional. The name of the qualified professional shall be provided to and approved by the Town Engineer and Town Environmental Inspector prior to construction. Weekly written reports, starting one week from the date of the pre-construction meeting, which outline the site conditions, status, identified problems and suggested remediation shall be delivered to the Town Environmental Inspector, Building Department and Town Engineer. In addition, the Town Engineer and Town Environmental Inspector must be contacted to inspect the stormwater installations prior to backfilling. No Certificate of Occupancy shall be issued unless proof of compliance is provided.
7. All landscape and mitigation plantings must be installed prior to requesting a certificate of occupancy. All landscape and mitigation plantings shall be guaranteed by the current owners for a period of three years measured from the date of the issuance of the certificate of occupancy.
8. There shall be no clearing, grading, or removal of vegetation, beyond the clearing limits shown on the plan.
9. Construction on the site shall not commence until a Town of Yorktown Building Permit has been issued.
10. Prior to the issuance of a Building Permit a wetland bond in the amount of \$1,500.00 shall be posted as a condition of this permit. The bond shall be released when it is verified by the Town that there has been no less than 85% survival of plant material shown on the as-built map as measured three years from the date of issuance of a certificate of occupancy. The owner grants permission to the Town to periodically inspect the plant material to insure compliance throughout the time period.
11. Prior to the issuance of a Building Permit, a separate erosion and sediment control bond must be provided to the Town in the amount of \$7,500.00. This bond shall be released when the Town Engineering Department has verified that the site is stable and the stormwater pollution prevention plan has been completed as approved. Stable is defined as vegetative growth on 90% of exposed soil surfaces or coverage of the entire exposed soil surfaces with erosion blankets approved by the Town Engineer.

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

MONTHLY REPORTS

Receiver of Taxes – 2 Reports

PUBLIC HEARING

COMPREHENSIVE PLAN (REVISED FEBRUARY 2010) AND THE FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FSGEIS) (REVISED FEBRUARY 2010)

A representative of Carbone and Associates will be providing verbatim coverage of this public hearing. A copy of the transcript will be on file in the Town Clerk's Office.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown