

Work Session held by the Town Board, Town of Yorktown on April 13, 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 Volunteer Board Interviews.

WORK SESSION

Supervisor Susan Siegel called the meeting to order. Director of Planning John Tegeder, Parks & Recreation Superintendent Jennifer Fava and Town Attorney Jeannette Koster were also present.

SENIOR ADVISORY COMMITTEE

Mr. Gilbert Kaufmann and Mrs. Ginny Menton, members of the Senior Advisory Committee discussed with the Town Board a description of projects that would enhance the Senior Center located in the Yorktown Community Cultural Center (YCCC). Mrs. Menton stated that a recent survey conducted by Nutrition/Senior Services Director Mary DeSilva showed that the biggest request was for computers and instruction.

The Senior Advisory Committee recommended the following:

1. Space within two rooms in the YCCC (Room 104 on the first floor and the senior dining room in the basement) to be renovated and contain five (5) computer workstations that can be enclosed in a closet office space to protect and secure the computers when not in use by senior programming. The estimated cost to do this is \$6,000.00.
2. A new exit doorway from the senior room (Nutrition Center) according to the Sullivan Plan 1A. This will provide two exits from the senior room. The estimated cost of this is \$15,000.00.
3. Purchase and install a portable divider to split the senior dining room into two rooms, when needed. The estimated cost is \$28,300.00.
4. New corridor/entry to Nutrition Center as per Sullivan Report Phase 1C. The estimated cost is \$50,000.00.
5. A handicapped accessible ramp would be installed in the front of the building at an approximate cost of \$130,000.00. This project would benefit all who use the YCCC not only the seniors. Especially, during an emergency where a timely exit is needed from the building.

A copy of the Senior Advisory Committee recommendations, are on file in the Town Clerk's Office.

The Town Board thanked the Senior Advisory Committee for all their hard work.

The Town Board agreed to move forward with the recommendations presented by the Senior Advisory Committee.

DISCOUNTED SEASON POOL PASSES VOLUNTEER BOARDS

Superintendent of Parks & Recreation Jennifer Fava stated that in the past pool passes for volunteer board members have been discounted and given at half price.

The Town Board agreed to place this on the April 20, 2010 Town Board agenda.

BIODIVERSITY STUDY

Mr. Michael Fishman, from Stearns & Wheler, LLC was present to give the Town Board the report findings on the Biodiversity study that was completed. The Town received a grant in 2007 to conduct a Biodiversity Conservation Study of the Town of Yorktown. The purpose of the study was to identify and document environmentally sensitive natural resources throughout the Town and to develop recommendations for conserving those resources. This will help provide long term, sustainable strategies for enhancing natural resources.

Mr. Fishman stated that this study is a very important tool to use because you can see what the environmental impacts might be and what species could be affected. It also provides a GIS Plan with Maps which have been placed on a CD and given to the Conservation Board.

Councilman Bianco asked why some parks are not noted in the study such as Bald Mountain.

Mr. Fishman explained that in some cases it has to do with public ownership.

Supervisor Siegel asked how the Conservation Board anticipates using this study.

Mr. Walter Daniels stated that he can view the digital layout on his computer and when a proposal comes before the Conservation Board they will be able to see if any of these corridors apply to that property. He feels this is important to know.

Ms. Ann Kutter stated that this study can be given to Fred Koelsch who works with the Town's GIS Program. This will help create better wetland maps. She will be able to view these overlay maps on her computer. She noted that this will help the Conservation Board in many ways when reviewing applications and is a good starting point that the Town should continue to build on it.

A copy of the Biodiversity Conservation Study is on file in the Town Clerk's Office.

The Town Board thanked Mr. Michael Fishman and Stearns and Wheler for all their hard work.

STATE LAND CORPOARTION

Marc Oxman, attorney for the applicant was present to discuss with the Town Board the Monaco Property located on the north side of Route 202 and extends to the Bear Mountain Extension west to Lexington Avenue. Presently, the property is designated under the Comprehensive Plan as R-160. His client is seeking to have that designation changed to CR Zone. Mr. Oxman stated that his client is seeking to keep the door open in the future and have this parcel developed for retail use. By allowing this option in the future to develop this property as commercial makes perfect sense. This parcel is in a commercial thoroughfare and would provide desired retail opportunities and other enhancements to the community. Mr. Oxman asked that the Town Board consider keeping the option open to develop this parcel as commercial in the future.

CAPITAL PROJECTS

Director of Planning John Tegeder provided the Town Board with a chart outlining current and future projects that the Planning Department has been managing. Mr. Tegeder discussed the four (4) current projects which are Veterans Road Streetscape, Patriot Garden, Route 118 Sidewalks and Jefferson Valley Streetscape. These projects have been budgeted with the exception of the change orders. The approximate total for the current projects are \$246,300.00.

The future projects include Veterans Road Streetscape, Railroad Station Restoration/Adaptive Reuse and Commerce Street III (Firehouse to Kear Street. The Town's total share for these future projects is approximately \$600,000.00.

Mr. Tegeder stated that the Town Board will have to decide whether they want to move forward with these projects.

Councilman Bianco stated that we should be bonding these projects. In the past we had a Capital Project Budget. We should be planning for these projects and if we have the money at the end of the year then we can pay cash for them.

Supervisor Siegel asked if we waited to the first Town Board meeting in May would that be within the timeframe to decide on the future projects.

Mr. Tegeder stated that we need to decide sooner but he will ask the County.

Supervisor Siegel would like to put together a capital projects list for the Town Board to review at the April 27, 2010 Town Board meeting.

PROPOSED ETHICS LAW

Supervisor Siegel stated that this is the latest draft of the proposed Ethics Law. She removed the civil penalties portion and clarified some other areas.

Councilman Martorano asked to clarify Section 45-5, Section I. Revolving door. He would like a clause put into that section that excludes the Town Court.

Town Attorney Jeannette Koster stated that she will make that section clearer.

Councilman Martorano asked to clarify 45-5, Section F. He feels the value of \$50 or more is to low.

The Town Board agreed to change the amount to \$500.00.

Councilman Bianco stated that political district leaders can still serve on the Ethics Committee.

Supervisor Siegel stated no, district leaders are not allowed to serve on the Ethics Committee in this proposed local law.

Councilman Martorano stated that his understanding when this was last discussed was that political district leaders would be allowed to serve on the Ethics Committee. He stated that it should not be prohibited by the law.

Councilman Bianco agreed that political district leaders should be allowed to serve. Why would you want to preclude a person who wants to serve on a committee, we should not be precluding anyone from being anything.

Town Attorney Koster stated that she has not researched it but she feels there is a Constitutional argument that could be made about this. She personally feels it should not be restricted because people have a right to Freedom of association.

Councilman Martorano stated that we already have in the law that you cannot have on a five member board, more than two members of a particular party.

Town Attorney Koster stated that she would like to go into closed session on this because she wants to give the Town Board legal advice.

Councilman Bianco stated that political district leaders should be left in and not excluded from serving on the Ethics Committee.

Town Attorney Koster stated that the Town Board should not have anymore discussion on this proposed local law in open session.

Supervisor Siegel proposed that the Town Board go into closed session after this meeting. She would like to finalize the proposed local law so that the Town Board can advertise this for a public hearing.

Deputy Town Clerk Diana L. Quast stated that the Town Clerk must have a draft of the proposed local law before it can be advertised for public hearing.

MASTER FEE SCHEDULE

Supervisor Siegel stated that there are two reasons that she has given the Town Board this proposed local law. The main reason is the charge back issue. When the Town started using Outside Counsel for Planning and Zoning, and paid them on a retaining basis, there have been times when the attorney's have done extra legal work on behalf of certain applicants. The original intent of the previous Town Board was to be able to charge the applicant for that time. However, the Town does not have the authority in the Code to do that. The Town needs to establish that authority because it is legal to do and the Town has been paying for these costs.

Supervisor Siegel stated that she talked with the Acting Town Engineer Sharon Robinson, Director of Planning John Tegeder and Town Environmental Consultant Bruce Barber. It was felt that by pulling this all together it would make it simpler for applicants that come before the Boards. A new section will be set up in the Code called the Master Fee Schedule. This would place all fees in the same place.

Councilman Bianco stated that on page 1, under Purpose, it should include the Planning Department.

Town Attorney Jeannette Koster stated that fees can be cross-referenced throughout the Code but the Master Fee Schedule will be located in one place.

Councilman Bianco feels there should be a clause that states this fee must be paid regardless of whether the application is approved or not.

Supervisor Siegel stated that this is an application fee anyone that files an application must pay the appropriate fee.

Town Attorney Koster stated it should be referred to as a Professional Review Fee.

WETLANDS PERMIT ZEAL CONSTRUCTION – PARMLY ROAD

Councilman Bianco read written comments received from Ken Belfer, President of the Mohegan Lake Improvement District. A copy of which is on file in the Town Clerk's office.

Councilman Bianco stated that he would like to do a site visit of the property before a public hearing is advertised.

Supervisor Siegel stated that this application will be postponed until the Town Board does a site visit.

REQUEST FOR PROPOSALS (RFP) RISK MANAGEMENT

Supervisor Siegel stated that she is proposing to the Town Board that a Request for Proposals (RFP) be sent out for a Risk Manager to do a Risk Management Assessment of the Town of Yorktown. This would be in advance of going out for competitive quotes for the Town's insurance policies. A consultant would come in and analyze the current policies and provide the Town with their findings. Supervisor Siegel stated that this will not be advertised. She will gather some names and send it out.

CONSULTANT AGREEMENT

DAVID RAMBO

Supervisor Siegel stated that she has two items to discuss with the Town Board with regards to David Rambo, Water Distribution Superintendent. One is the Consultant agreement which was signed back in January. The resolution hiring David Rambo as a three month consultant just stated his salary. When he signed the contract the next day, it was the same salary but we added a \$500.00 stipend for vehicle use because as a consultant you cannot use a Town vehicle. Supervisor Siegel stated that the Town Board has to amend the resolution in order to pay David Rambo the stipend.

Councilman Bianco stated that he did not know anything about this vehicle use stipend and now he finds out that the Town Board passed a resolution and the next day someone added into the contract a vehicle use stipend of \$500.00. You cannot pass a resolution, authorizing the Supervisor to do one thing and the very next day, add something to the contract that the Town Board did not agree to.

Supervisor Siegel stated that the Town Comptroller informed her that as a consultant David Rambo could not use a Town vehicle.

Councilman Martorano stated that you just cannot add something unilaterally. This needs to be approved by the Town Board.

The Town Board agreed to pass a resolution to correct this and authorize the \$500.00 vehicle use stipend to David Rambo.

FLEET MANAGEMENT

DAVID RAMBO

Supervisor Siegel stated that because David Rambo may respond to emergencies and he lives out of town, she would like to pay him \$100.00 on a per incident basis if he has to use his own car to respond to an emergency.

Councilman Martorano stated that he should be paid the mileage rate which is .50 per mile.

Supervisor Siegel stated that the Town Comptroller suggested the flat rate rather than the mileage rate.

Councilman Murphy asked what is normal and customary.

Councilman Bianco stated that the policy is anyone that lives more than 10 miles from the Town of Yorktown does not get a Town Vehicle.

Councilman Murphy stated that the issue is should we pay a flat fee or use a mileage rate.

Councilman Bianco stated that if you do it for one you have to do it for all.

Supervisor Siegel stated that the Water Department by its very nature responds to emergencies.

Councilman Murphy asked Highway Superintendent Eric DiBartolo if he gets paid as a Cause and Origin Investigator from Westchester County to respond to emergencies. Mr. DiBartolo stated that he does not get paid to respond to fire emergencies, he does get paid a mileage rate of .52 per mile to attend training.

Councilman Martorano asked if an employee gets called in for an emergency do they get paid mileage. Highway Superintendent Eric DiBartolo stated no because the Town does not have that policy.

Councilman Murphy stated that an employee would get overtime.

Town Attorney Koster stated that she will have to research it and talk to Labor Counsel. Based on her personal experience if you go on business and use your own vehicle you should be reimbursed for your mileage. She has to see if this is contractual or statutory.

Supervisor Siegel stated that when she traveled for business for her own company she used the IRS Mileage Rate. She stated that what this Board has to decide is if the Town should compensate David Rambo for responding to emergencies and if so should it be done with a flat rate or per mile.

Councilman Martorano asked if other department heads get reimbursed to respond to emergencies.

Councilman Bianco stated no.

Deputy Town Clerk Diana Quast stated that the Town Clerk and Deputy Town Clerk serve as Registrar and Deputy Registrar of Vital Statistics. We are on call twenty - four, seven and are often called in on nights, weekends and holidays. We have never charged the Town for mileage or time when a Burial Transit Permit needs to be issued. This type of policy would certainly open up other department heads to attempt to do the same thing.

Councilman Bianco stated that we have a policy and he is not making an exception to it. He feels that this person gets a salary. It is his prerogative to come in for emergencies and we should not be using taxpayer dollars for him to come to work.

Councilman Murphy stated that he has heard some compelling arguments and is not ready to decide on this issue.

Supervisor Siegel ask how many Burial Permits the Town Clerk issues during the year.

Deputy Town Clerk Diana Quast stated that the Town Clerk's office issues over 200 Burial Transit Permits per year and she has been called in on numerous occasions.

Town Attorney Koster suggested that the Town Board allow her to research this issue and provide the Town Board with her findings at the next Town Board work session. The Town Board agreed.

The Town Board agreed to pay the vehicle stipend in the amount of \$500. A resolution will be placed on the next agenda.

REQUEST FOR USE OF PERSONNEL
FROM OTHER DEPARTMENTS
LEGACY FIELD

Highway Superintendent Eric DiBartolo gave the Town Board a request to use personnel from other departments to assist with the Legacy Field Project. The Town Board agreed.

TOWN BOARD AGENDA

April 20, 2010

The Town Board discussed the April 20, 2010 Town Board meeting agenda.

APPOINTMENT – TREE TRIMMER FOREMAN

BRADLEY A. SHEPPARD – HIGHWAY DEPARTMENT

RESOLUTION #180

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

BE IT RESOLVED, that Bradley A Sheppard is hereby appointed Tree Trimmer Foreman, job class code 0485-02, in the Highway Department, effective April 12, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 14, Step 5 which is \$68,476.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 12, 2010.

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

APPOINTMENT – MOTOR EQUIPMENT OPERATOR

ADAM CERRATO – HIGHWAY DEPARTMENT

RESOLUTION #181

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

BE IT RESOLVED, that Adam Cerrato is hereby appointed Motor Equipment Operator, job class code 0427-02, in the Highway Department, effective April 14, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 2 which is \$48,634.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 14, 2010.

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

APPOINTMENT – LABORER

JOSEPH DELL'OLIO – HIGHWAY DEPARTMENT

RESOLUTION #182

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

BE IT RESOLVED, that Joseph A Dell'Olio of Hawthorne, NY, is hereby appointed Laborer, job class code 0425-05, within the Highway Department, effective April 14, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$38,291.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 14, 2010.

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

2010 BUDGET TRANSFERS

RESOLUTION #183

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

BE IT RESOLVED, that the Town Board approves the following 2010 budget transfers:

Trans #	Budget Code	Budget Code Description	Amount	Explanation
	General Fund			
19	A 6772.480	Nutrition Grant Expenses	\$ 27,000.00	Cover Social Worker
	A 4489	Federal Aid: Nutrition	\$ 27,000.00	Grant Receipts
	YS 8130.459	Infiltration Control	\$200,000.00	Contract per TB Res. Dated 2/16/10
	YS 1002	Appropriated Fund Balance	\$200,000.00	Contract per TB Res. Dated 2/16/10

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

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown