

Work Session held by the Town Board, Town of Yorktown on September 27, 2011. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Susan Siegel, Supervisor
Nicholas J. Bianco, Councilman
James J. Martorano, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss Tax Certiorari Settlements, personnel, litigation and appointment for Veterans Hall of Fame. Upon motion made by Councilman Martorano, seconded by Councilman Patel, the Town Board moved into the work session.

ACCEPT RESIGNATION

The Town Board accepts the resignation of Teddy Hoy.

BAPTIST CHURCH OAD CULVERT REPAIR – Acting Town Engineer Sharon Robinson and Town Attorney Jeannette Koster joined the Board for this discussion.

The discussion concerned the new design for the culvert and the need to have appraisals for the temporary easements. The new design requires fewer temporary easements.

BAPTIST CHURCH ROAD CULVERT REPAIR RESOLUTION #467

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

WHEREAS, the roadbed adjacent to and in the vicinity of 1225 Baptist Church Road, and the culverts beneath said roadbed, are in substandard condition and require repairs and modifications, and

WHEREAS, before work can begin, the Town needs to acquire legal access rights to the two properties adjacent to Baptist Church Road, having tax map section/block/lot numbers: 47.15-1-18 (“Salitan Parcel”) and 47.15-1-4 (“Kaufman Parcel”); and

WHEREAS, pursuant to the Town’s contract with WSP Sells, the engineering consultant on this project, WSP Sells obtained an appraisal for permanent easements for the two parcels when the project was first designed, and

WHEREAS, the project has been redesigned, necessitating a new appraisal;

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to sign an amendment to the contract with WSP Sells, pursuant to which WSP Sells shall obtain a new appraisal for the easements needed for the project, in an amount not to exceed \$3,500.00, and an additional amount of \$1,800.00 for a survey, in order to ascertain the value of one permanent and two temporary easements needed by the Town upon The temporary easements are required to provide the Town with access to the sides of the road and on either side of the culverts, to enable the Town to repair the culverts under Baptist Church Road adjacent to the Salitan and Kaufman Parcels, and to repair the roadbed of Baptist Church Road in that location. A permanent easement is also required upon the Kaufman Parcel to permit the extension of an existing culvert pipe on that property.

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

POLICE DEPARTMENT LAND COMMUNICATIONS RESOLUTION #468

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

RESOLVED, that the Town Board exercises its option to extend the Town's 2009 agreement with LAND COMMUNICATIONS, INC., for the maintenance of the Police Department's telephone system, from October 1, 2011 through September 30, 2012, in the amount of \$1,254.00.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted.

POLICE DEPARTMENT TRUCK PURCHASE
RESOLUTION #469

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

Whereas, on August 10, 2011, Police Vehicle #06-532 was destroyed by an electrical fire, and

Whereas, Vehicle #06-532 was one of the department's few four wheel drive vehicles, and

Whereas, current New York State Contract #PC65013, NYS Bid Award #21910-PF has a replacement vehicle available, and

Whereas, authorization is hereby granted for the Town of Yorktown Police Department to order a 2012 Ford Expedition XL with Special Service Option from said bid, and

Whereas, price of replacement vehicle is \$28,861, and the insurance coverage for destroyed vehicle #06-532 totals \$18,562.45, therefore an additional \$10,298.55 is needed for the purchase, now

Be It Resolved, the Town Board hereby authorizes the additional funds necessary, in the amount of \$10,298.55, to be funded from the general fund balance, and the following budgetary transfer is hereby approved:

| | | |
|------------------------------------|------------|-------------|
| Increase Police Vehicles | A 3120.210 | \$10,298.55 |
| Increase Appropriated Fund Balance | A 1002 | \$10,298.55 |

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted.

ADJUST START DATE FOR NEW ASSISTANT COURT CLERK
RESOLUTION #470

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

BE IT RESOLVED, the following replaces Resolution #430 dated September 6, 2011,

RESOLVED, that Maria De Lourdes Valdes of Ossining, NY, is hereby appointed Assistant Court Clerk, job class code 0050-01, effective October 3rd, 2011, to be paid from Yorktown CSEA Salary Schedule A1, Group 8, Step 1, which is \$44,993.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, that Maria De Lourdes Valdes will report to work at the Yorktown Town Court on October 3rd, 2011, and this date will be used as the first date of appointment,

BE IT FURTHER 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 October 3rd, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting AYE
Resolution adopted.

CHANGE STARTING TIME TO OCTOBER 4, 2011 MEETING

Town Clerk Alice Roker stated that she will see that the start time for the October 4, 2011 Meeting is placed on the Town's website as well as the Government Cable Channel.

YORKTOWN FARMS – Mr. Val Santucci, owner of the subdivision and his attorney, David Steinmetz joined the Town Board for this discussion.

Supervisor Siegel spoke about Mr. Steinmetz's letter to the Town Board dated August 15, 2011. In the letter, Mr. Steinmetz requests an amendment to a 2007 agreement signed by his client giving 65 property owners living outside the subdivision a \$3,000 stipend against the cost of hooking into the Yorktown Farms sewer district. Instead of giving them the money prior to the issuance of the first Certificate Of Occupancy being issued, the money would be given to the property owners when the 5th Certificate of Occupancy is issued.

Mr. Steinmetz said the letter was not received well by the community, we have a new proposal.

Mr. Santucci said that he would like to get the Certificate of Occupancy issued on the Model Home. He would also like the Building Department to process building permits for three additional homes.

The new proposal would give Mr. Santucci an additional 60 days to pay the property owners their stipend of \$3,000. The proposal will also allow him to work on hooking up the 24 property owners who have agreed to allow his company to make the hookup.

Councilman Martorano stated that since he was sitting on the Town Board at the time the applicant received approval for rezoning, he wanted to insure that nothing in the new agreement abrogated the rights of these property owners

Yorktown Planning Director John Tegeder stated that the Town Board and Planning Board agreements would have to be amended.

Mr. Steinmetz will work with the Town attorney on a resolution for next week's agenda.

CROTON OVERLOOK – The applicant, TJ Muldoon and his attorney, David Steinmetz joined the Town Board for this discussion.

Supervisor Siegel stated that this meeting is to review the FEIS submitted by the applicant for completeness.

Special Counsel Dan Pozin advised the Town Board that once the FEIS is accepted as complete, it becomes the basis of the Town Board's Findings Statement.

Planning Director John Tegeder stated that he received an email from our Environmental Consultant who has had surgery and would like to send in his comments at a later date.

Councilman Bianco stated that he was troubled by the FEIS. Some of the information that the DEP and DEC was not answered to their satisfaction. He would like additional time to come up with his concerns.

Mr. Muldoon stated that DEP brought up issues such as Stormwater and Erosion and Control which will be answered by a licensed engineer.

Councilman Bianco asked what assurances do we have that the Town of New Castle will supply water to this project.

Mr. Muldoon stated that he has talked to the head of the Water Department and was told that New Castle has the water capacity to include this property.

Mr. Pozin stated that the rezoning could be conditioned on the applicant being able to get water from New Castle.

Councilman Martorano questioned the applicant regarding adhering to the Tree Ordinance. The applicant has agreed to mitigation.

Supervisor Siegel stated that the Town Board will get their comments to the Planning Director by October 11, 2011. The Town Board will then discuss the responses at its work session on October 25, 2011. The Town Board could accept the FEIS as complete at its first meeting in November. Supervisor Siegel further stated that the Board may potentially accept the FEIS as complete on October 25, 2011.

SIDEWALK SNOW REMOVAL – Planning Director John Tegeder and Town Attorney Jeannette Koster participated in this discussion.

The Town Board reviewed the text and map for this new district.

Councilman Martorano stated that he wanted to solicit additional comments.

The Town Clerk stated that a solicitation could be placed on the Town's website.

The Proposed Local Law and Map will be placed on the next Town Board Agenda advertising a Public Hearing on November 1, 2011.

STATE LAND DEVELOPMENT – Mr. Charles Monaco, owner of State Land Corp., his Attorney, Albert Capellini, his Engineer, Joe Riina and Joe Visconti, President of the New Yorktown Chamber of Commerce participated in this discussion.

Mr. Riina spoke about his meeting with the New York State Department of Transportation. He stated that the applicant could integrate a proposed lane by the DOT into their project.

Mr. Capellini stated that his client does not have a user for the proposed project. What we will be putting forth is a conceptual plan that will include a long form Environmental Assessment Form (EAF). He also discussed the fact that several DEIS's have already been done on this property.

The Board agreed to go out on a site visit on Friday afternoon, September 30, 2011.

AUDIT REPORT FROM OUTSIDE AUDITOR – Mr. Joe Klimek, a representative of Toski, Schaefer & Co., P.C., Joan Goldberg, Town Comptroller and Patricia Caporale, Deputy Comptroller participated in this discussion.

Town Clerk Alice Roker stated that what was written in this Draft Report about Town Board Minutes is contrary to State Law and should be removed.

Mr. Klimek agreed. It will be removed.

The Town Board and Mr. Klimek discussed the audit of 2010. Toski, Schaefer & Co., P.C. found that the Town of Yorktown ended 2010 with \$3.6 million in fund balance.

NEW YORK STATE COMPTROLLER'S AUDIT REPORT

Supervisor Siegel stated that many of the Comptroller's recommendations have already been instituted. She wanted to know if the Board wanted her to send a letter to the New York State Comptroller telling them that the Town of Yorktown will implement all of their recommendations.

The Supervisor asked the Town Clerk if she wanted the Supervisor to incorporate her recommendations into the same letter.

The Clerk explained that all of their recommendations have been instituted.

SAINT GEORGE'S HISTORIC DESIGNATION – Mr. Tom DeChiaro, the owner of the property joined this discussion.

Supervisor Siegel stated that she received a letter from the New York State Office of Parks, Recreation and Historic Preservation which states that St. George's Church is being

considered by the State Review Board for nomination to the State and National Registers of Historic Places.

Mr. DeChiaro explained why he believed that this structure was worthy of the Town Board's support.

The Town Board agreed to support this designation.

Supervisor Siegel also stated that unless the Town of Yorktown re-instates the Landmarks Preservation Commission, they may decertify Yorktown as a Certified Local Government.

The Supervisor will ask for applications.

CABLEVISION FRANCHISE FEE LEGAL CHALLENGE

Supervisor Siegel explained that the Town received a letter from the attorney handling the Town's Franchise Fee Dispute with Cablevision. They believe the Town of Yorktown is owed \$350,000 in fees.

The next step would be to continue the effort, with a side legal expense to fight a fee that is unique to Yorktown.

ABACA MEMBERSHIP – Mr. Anthony Romano and Mark Connolly – Co Chairs of ABACA stated that they need additional members on the Board so that a quorum is always available. Earlier this year David DeFino took a leave of absence and was replaced. But, we still need more people.

The Town Board has already interviewed someone that they are prepared to appoint.

A proposed local law will be drafted to increase the number of members on ABACA.

YAC SCHEDULING – Mr. Mark Levine joined this discussion.

Mr. Levine stated that he sent a resolution to the Town Board to adopt because some of the Town's Sports Clubs have been scheduling games on religious holidays.

Town Attorney Jeannette Koster cautioned the Town Board about adopting the resolution that Mr. Levine sent stating that it violates the separation of Church and State.

Several Town Board members stated that they wanted to adopt a resolution and that Mrs. Koster should work with Mr. Levine to come up with a resolution acceptable to everyone.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown