

Budget Hearing meeting held by the Town Board,
Town of Yorktown on December 7, 2011 held at
Yorktown Town Hall, Yorktown Heights, NY

Present: Susan Siegel, Supervisor
Nicholas J. Bianco, Councilman
James J. Martorano, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
Diana L. Quast, Deputy Town Clerk

Tardy: James J. Martorano, Councilman

EXECUTIVE SESSION

Councilman Murphy motioned, seconded by Councilman Martorano, to move into Executive Session to discuss personnel.

BUDGET MEETING

Supervisor Susan Siegel called the meeting to order. All Department heads were present. She stated that Councilman Martorano was in a car accident this evening and may not be present tonight.

2012 BUDGET HEARING

Supervisor Siegel called to order a public hearing relating to the preliminary budget of the Town of Yorktown, Westchester County, New York for the fiscal year beginning January 1st, 2012. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel began the discussion with a power point presentation giving an overview of the proposed 2012 Budget, a copy of which is in the budget folder.

The Town Board took the following questions and comments from the audience:

Mr. Grigory Krasov, Page 29, Line A, 00020A, Revenue of Yorktown Museum. He stated that he gave a proposal to the Town Board which explains his proposition. He outlined his proposal which takes the expense line (\$65,000) from the Museum and allow a private imitative to handle that.

Councilman Bianco stated that this proposal needs to be refined.

Councilman Patel stated that the \$65,000 is the salary of the two employees that work at the Museum.

Councilman Murphy stated that he is not exactly sure what is being proposed here.

Mr. Krasov stated that he is proposing to create a revenue generating and fundraising initiative through the Yorktown Museum.

Councilman Murphy stated that he needs more information before he can make a decision on this issue.

Supervisor Siegel stated that if you have an idea on how to generate revenue for the Museum, we need more details and you have to work it out with the staff of the Museum.

Mr. Ed Ciffone, President of the Untied Taxpayers of Yorktown, he thanked Supervisor Siegel, Councilman Martorano, Assessor Girdlestone and Justice Gilbert for their hard work to the Town. He stated that the 2010 Budget was adopted and \$500,000 was used from the Fund Balance. He believes that there is a difference of 1.3 million dollars and this money should go back to the taxpayers.

Supervisor Siegel stated that through mostly attrition the Town has saved money on salaries but in the 2010 Budget they had to be accounted for in the budget.

Mr. Fred Gulitz stated that last year the Town Board authorized the demotion of Highway Foreman Fred (Butch) Gauthier. He was demoted last year for not just cause. He took over a ten percent pay cut and lost over \$8,000 in pay. He was demoted to a Road Maintenance Foreman. Mr. Gulitz feels now is the time for the Town Board to correct a wrong and reinstate Mr. Gauthier to his previous job title and salary.

Don Roberts, representing the United Taxpayers of Yorktown stated he believes that in the 2010 budget the taxpayers were charged two million dollars more than they had to be. In the 2012 budget, there are 81 revenue items, 33 of those items made more money last year than are being projected for next year. It is the same thing as the 2010 budget all over again. Mr. Roberts asked about Page 28, Interest and Penalties, Line 1090.101, it says \$1.1 million for this year and \$850,000 next year.

Supervisor Siegel stated that this is because we collected two million dollars in tax liens and are not anticipating doing that next year.

Mr. Don Roberts asked about Page 29, Line 1170, Franchise Fees.

Supervisor Siegel stated that those are Cablevision subscriber fees and the Town can only estimate how many subscribers will sign up. As a general rule with a budget you should underestimate your revenue.

Mr. Don Roberts asked about Page 29, Discount Ticket Sales.

Superintendent of Parks and Recreation Jennifer Fava explained that this is a fundraising opportunity through New York State Recreation and Parks Society. They get discounted tickets to various Amusement Parks which we can mark up by \$1, so what you are seeing is the revenue because we taken in the money at the prices charged, we sell the tickets to the residents because they get them at a cheaper rate and then it goes in and out of that line. The Town takes in about \$300.

Mr. Roberts asked about Page 29, Line 2118, Administrative Fees went from \$36,000 to \$5,000.

Mr. Tegeder explained that this fee is charged for site plans and subdivisions and paid after conclusion of approval, the fee is to offset the cost for development related impacts. This fee varies depending on the amount and size of the development.

Mr. Roberts asked about Page 29, Line 2410.001, Antenna Rentals.

Supervisor Siegel stated that is cell tower.

Mr. Roberts stated that this went down \$78,000 to date.

Comptroller Goldberg stated that many of the leases are up for renewal and one was a back payment for rent that had not been paid.

Mr. Roberts asked about Page 30, Line 2701,

Supervisor Siegel stated that the Town settled a lawsuit with the Insurance Company and they paid the Town a one time payment of \$129,500.

Mr. Roberts asked about a Miscellaneous Line that went from \$26,000 to \$3,000.

Mr. Roberts asked the Town Board to take another look at the budget.

Ms. Janice Turner stated that she would like Strawberry Road paved, she understands the budget restrictions. Cars and property are being damaged due to the conditions of this road. She feels this should be included in the budget. She presented a petition to the Town to repave Strawberry Road.

Supervisor Siegel stated that we would have to cut something else or increase expenditures. If we increase the expenditures, we inflate them on the revenue or we have to increase taxes.

Highway Superintendent Eric DiBartolo explained that there is a paving program in place and Strawberry Road is not scheduled for repaving next year.

CSEA President Keith Kuttruff thanked Councilman Martorano for his professionalism and compassion throughout the years. I am here tonight on a personnel issue. He stated that he takes exception to a letter to the editor written by Supervisor Siegel which asks the taxpayers of the town "Do you agree with the majority of the Town Board who voted to spend \$65,000 of your money to keep an employee on staff when there is no job this employee is qualified to do." I think that it is wrong for an employee to be called out in a public forum and find it reprehensible and unprofessional. This person is a 19 year employee with an unblemished record and has done the job she was hired to do. This is a person who is willing to work and fill in for people who are on vacation. The Town Board needs to stay steadfast in their pledge to retain her position.

Supervisor Siegel stated that the Supervisor's budget was done with considerable review and consideration. She stated that the Joint Water Works decided that they did not need a receptionist which is the position this employee held. She stated that we need a person with certain skills and we do not need a person with receptionist skills.

Councilman Martorano stated that he feels it is unconscionable to get rid of someone after 19 years of service to the town. He said depriving someone of their livelihood is much more than dollars and cents it is a lack of humanity. We have not laid off employees and I do not intend to my last year on the Town Board.

Councilman Bianco stated that this employee can be multitasked throughout many departments and all of our employees work hard and want to keep their jobs.

Town employee Debbie Gualtiere stated that she does a lot more than just answer the phones but the Supervisor has never taken the time to visit with her and see what she actually does had she done that she would have realized the importance of what she does.

Councilman Bianco apologized to Ms. Gualtiere for the embarrassment this has caused her.

Councilman Murphy also apologized for the embarrassment this has caused Ms. Gualtiere and thanked her for her many years of service.

Receiver of Taxes Elfreide Schmid stated that her department is very understaffed and she could use someone like Ms. Gualtiere as many other departments can.

Supervisor Siegel reiterated her earlier comments regarding the Joint water Works and Ms. Gualtiere's job.

CSEA President Keith Kuttruff stated that this is an opportunity to free up someone and allow others to do their job because it will help with understaffing in some departments. People service people and we can not service the residents of the town without staff.

Supervisor Siegel stated that last year the Town Board laid off a part-time employee in the budget.

Mr. Daniel Lefkowitz asked about reducing the John C. Hart Memorial Library Budget.

Mr. James McDermitt asked about the Insurance Line. What is this expenditure.

Town Comptroller stated that this is professional liability coverage.

Mr. Nicholas DiTomasso asked Councilman Martorano how he is feeling after his car accident this evening. On page 50, Public Safety, why does the line go down to zero. He also urged the Town Board to sit down with Mr. Grigory Krasov and hear him out on his idea to

generate revenue for the Museum. He asked where the money is from Congressman Hall for senior programs.

Comptroller Goldberg stated that this is because the two employees under public safety are now moving into the building maintenance department.

Supervisor Siegel stated that this money was specifically reserved for seniors and is being used to renovate the senior center.

Mr. Ed Ciffone asked about an increase in the John C. Hart memorial Library fund.

Library Director Patricia Barresi stated that there have been some maintenance challenges. The large expenses come from the roof repair, heating and cooling system replacement, septic system failure and an outdated fire extinguisher system that needs updating. They recommend taking it out of fund balance, or doing short term bonds and this is fiscally prudent.

Mr. Ed Ciffone asked about collective bargaining unit, sick buyback and accumulated day's payout.

Police Chief McMahon stated that there is a need to upgrade to digital with the police department portable radios.

Mr. Roberts asked about the Athletic Club contracts and feels their books should be open for review.

Mr. Roberts asked about the senior club trips and wanted to know why non residents are funded to go on these trips.

Mr. DeTomasso stated that there is a difference in what a non resident and resident pays to go on trips.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion made by Councilman Murphy seconded by Councilman Bianco, the hearing was adjourned. To be reconvened on December 13, 2012.

Councilman Patel thanked everyone for coming and spoke about having a generator at the YCCC to maintain power in the building at all times.

Councilman Murphy thanked the UTY for all their questions and comments. He thanked Sole Assessor Harold Girdlestone for all his years of service and wished him well in his future endeavors.

Councilman Murphy thanked Councilman Martorano for all his work on the Town Board.

Councilman Bianco read a statement thanking Councilman Martorano for all his hard work and dedication to the Town. He noted that Councilman Martorano was a man of all seasons and wished him well in his future endeavors.

Councilman Martorano stated that this is a good budget, he thanked department heads and all of the employees for their dedication and hard work. He wished Supervisor Grace, Councilman Paganelli the best of luck.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Murphy, to move into Executive Session to discuss personnel. Upon motion made by Councilman Patel, seconded by Councilman Murphy, the Town Board resumed the work session.

APPROVE RETIREMENT AGREEMENT
PATRICK LOFARO – SUPERINTENDENT OF ENVIRONMENTAL CONSERVATION
RESOLUTION #614

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

Resolved, that the supervisor is authorized to sign a Retirement Agreement with Patrick Lofaro, subject to the approval of the Town Attorney.

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

APPROVE SEPARATE/OUTSIDE COUNSEL FOR SUPERVISOR SUSAN SIEGEL
IN LAWSUIT – ERIC DIBARTOLO AND PATRICIA COLE
RESOLUTION #615

Upon motion made by Councilman Bianco, seconded by Councilman Patel

Whereas on or about June 10, 2010, Patricia Cole and Eric DiBartolo filed a lawsuit against the Town of Yorktown and Susan Siegel, individually, acting in her capacity of Town Supervisor; and

Whereas since from the onset of the litigation to the present time, the interests of both the Town and Susan Siegel have coincided, both the Town and Ms. Siegel have been represented by a single counsel, hired by the Town's insurance carrier, Trident Insurance; and

Whereas once Susan Siegel will no longer be Town Supervisor, there may be a divergence of interests between the Town of Yorktown and Susan Siegel that would warrant the need for separate counsel for each party; and

Whereas Chapter 30 of the Town Code, Defense and Indemnification, makes provision, under certain circumstances, for the Town to provide private counsel of his choice to an employee; and

Whereas the Town has provided private counsel to a former Town Supervisor as well as two Councilmen and within the past three years when the parties requested separate counsel;

Whereas Susan Siegel has met the conditions set forth in Chapter 30;

Now therefore be it resolved that if, after December 31, 2011, Susan Siegel makes a request to the Town for separate counsel to represent her interests in the ongoing litigation with Patricia Cole and Eric DiBartolo, the Town will first request separate counsel of her choice be assigned to her by Trident Insurance, but that in the event that Trident refuses to pay for a separate counsel to represent Susan Siegel, the Town agrees to pay the costs incurred by a counsel selected by Susan Siegel to represent her, at a cost to the Town not to exceed \$240 per hour.

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

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown