

Work Session held by the Town Board, Town of Yorktown on July 10, 2012, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Nicholas J. Bianco, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss third party administrator and pending litigation.

WORK SESSION

Supervisor Michael Grace called the meeting to order.

OFFER FOR SALE OF BERNSTEIN HOUSE

RESOLUTION #291

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

RESOLVED, that the Town Board authorizes the Town Supervisor and/or the Town Attorney to negotiate and draft a contract of sale between the Town as seller and Franzoso Contracting with respect to the town property known as the "Bernstein property," located at 3174 Old Yorktown Road, Yorktown, 26.07-1-30.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

SIX-MONTH FINANCIAL UPDATE - AUDITOR RFP DISCUSSION

Comptroller Joan Goldberg was present to update the Town Board on the six month financial standings. She stated that the reports and figures show that the Town is in good shape.

Supervisor Michael Grace stated that it is good to know where the Town is at financially. The Town has some economic development projects, like the Route 202 drainage that will need professional services and additional monies may be needed to continue moving this project forward. He stated that the Town should have a visionary plan for the future and we should be ready to apply for grant money and have projects ready to go.

Councilman Murphy stated that one of the items that we discussed during the meeting with the NYS Department of Transportation was are these projects ready to begin now or in the immediate future.

Councilman Bianco stated that the Route 202 Lexington Avenue right turn project cost the Town approximately \$400,000 to complete and the NYS DOT later changed the intersection and did not charge the Town of Cortlandt.

Planning Director John Tegeder stated that having projects shovel ready is helpful in securing grants.

Comptroller Joan Goldberg stated that sales tax revenue was tracking on target, mortgage tax revenue was 3% under projections. Antenna rent was up 10% and fines and bail up 20%. Building permits were higher than projected. This was because of two one-time projects. There was also a 23% overage in police overtime.

Town Comptroller Joan Goldberg stated that the Town should be receiving approximately \$300,000 in New York State CHIPS Funding for paving.

Supervisor Grace noted that the Town will be receiving monies from the Federal Emergency Management Agency (FEMA) and that money will go back to the appropriate departments.

Town Comptroller Joan Goldberg stated that as of the end of 2011 the total fund balance was \$6.6 million and the unreserved balance was \$4.3 million. \$600,000 of the unreserved balance has been used for unanticipated items such as the Holland Sporting Club demolition, legal settlements and the Police Benevolent Association raises. The unreserved fund balance is \$3.7 million.

Supervisor Grace stated that the Town Board should adopt a fund balance policy.

Councilman Paganelli stated that having a healthy fund balance is important in getting better bond ratings.

Councilman Bianco said that this was an issue that should be discussed at budget time.

Town Comptroller Joan Goldberg stated that the Town has \$900,000 in long term debt. That debt will be paid off in two years. She stated that the Town's current \$8.5 million in short term debt was for mostly sewer projects and could be converted to long term bonds which would take advantage of the low interest rates.

Comptroller Joan Goldberg stated that the current projections for the increased expenses for the 2013 budget would mean an additional one million dollars. She anticipates expense increases for medical benefits, replacing the money used out of the fund balance to bring down the 2012 budget, Police Benevolent Association raises. If the 2013 budget was to stay within the 2% tax levy, the town would only be able to increase its expenditures by approximately \$350,000. This will cause a shortfall of approximately \$650,000.

DISCUSSION OF COPIERS FOR HIGHWAY AND PLANNING

Town Comptroller Joan Goldberg explained to the Town Board that a new copier is needed at the Highway Department and the Planning Department. She requested permission to purchase these copiers off the State bid. The Town Board agreed.

APPROVE CONFERENCE ATTENDANCE FOR ASSESSOR KIM PENNER RESOLUTION #292

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

Whereas, in her capacity as Assessor for the Town of Yorktown, Kim Penner is required to attend a training session to be held in Ithaca, New York from July 16, 2012 through July 21, 2012, and

Whereas, estimated expenses include tuition (\$470), lodging (\$600), and food (\$200), for a total estimated expense of \$1,270, and sufficient funds exist in the department's salary lines, now,

Therefore, Be It Resolved, Assessor Kim Penner shall be granted permission to attend said session and to use a town vehicle for the trip.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

DISCUSSION OF THE BUILDING DEPARTMENT MICROFICHE JOB

Building Inspector John Winter asked the Town Board to spend approximately \$7,000 to microfilm Building department records that are overflowing in his office. He stated that this expense is in his budget.

Supervisor Grace stated that he would like to move forward and look into digitizing these documents and placing them on the Town's website. Supervisor Grace suggested postponing the microfilming and see if the Town could begin digitizing these documents.

Councilman Patel stated that the department should be allowed to proceed with the microfilming if it is needed now.

Building Inspector John Winter stated that it would be more expensive to digitize the building department records and would take more man power.

Supervisor Grace stated that he would like to look into digitizing and see if the Town can do that before continuing to microfilm.

Deputy Town Clerk Diana L. Quast stated that the Town Clerk's office also microfilms records some that are considered confidential and requested that the Town Clerk be included in the discussion for digitizing records. The Town Board agreed to look into digitizing records before it begins microfilming.

STATUS AND UPDATE OF PHASE 1 WATER METER PROJECT

Water Distribution Superintendent David Rambo was present to give the Town Board an update on the Phase 1 Water Meter Replacement project. He is requesting to proceed with Phase II of the meter replacement project. Phase I was to replace 2,500 old meters with new electronic encoder registers with rapid read systems. He explained that approximately 700 meters have been replaced so far. The cost to begin Phase II is \$3.5 million and would replace 10,000 meters in the water district. Water Distribution Superintendent David Rambo stated that currently the installers travel to different parts of the Town it would be more efficient for the installers to do an entire neighborhood at one time. This would complete the project sooner. He noted that the old meters have been tested and show an 85% accuracy level. This means the Town is losing approximately \$650,000 in revenue each year.

Supervisor Grace stated that he has concerns with this bid and asked why the original bid was not awarded to the company that had a lower per meter price.

Superintendent David Rambo stated that the other company did not have meters that were compatible with the electronic encoder registers with rapid read system.

Supervisor Grace asked why the entire project to replace all 10,000 meters was not bid that way originally.

Town Comptroller Joan Goldberg stated that there is only one distributor for this type of meter and since it is compatible with the current monitoring system, it would be consider a sole-source bid which would fulfill the procurement bidding requirements.

Supervisor Grace stated that he did not want to proceed with the Phase II part of this project until the first phase was complete.

Councilman Paganelli stated that he has witness the monitoring system at work and explained how it sends a red flag to notify homeowners of a potential leak problem.

Councilman Bianco stated that we should continue the project and replace the water meters.

The Town Board decided to discuss this issue further and not move forward with Phase II at this time.

FIELDSTONE MANOR SUBDIVISION FLEXIBILITY REQUEST

Al Capellini, attorney for applicant explained that the Planning Board has asked the applicant to use flexibility standards in creating this subdivision. The request from the applicant Mr. Catucci and the Planning Board is to see if the Town Board would consider authorizing the Planning Board to proceed with this subdivision using flexibility standards. He is asked the Town Board to consider this and suggested referring out the request to the appropriate agencies for comments.

Councilman Bianco stated that he did not think 16 homes could be placed on this property under a conventional subdivision.

Supervisor Grace suggested not including the ball fields and constructing more homes. He stated that there is a possibility of the Town taking over the mansion which could be used as a multi-generational facility. He suggested looking at alternatives and see what works best.

Councilman Paganelli stated that if the applicant turns over the mansion to the Town it could change the value of his property.

Councilman Bianco stated that the issue is to see what works best for the residents of the Town of Yorktown.

Deputy Town Clerk Diana Quast stated that the Recreation Commission had visited the site in June and the consensus was to support the plan which included the two ball fields. She noted that the soccer field located at the Field Home has many restrictions and this would help to alleviate that issue.

Planning Director John Tegeder stated that the proposed plan that has been suggested by the Planning Board to use flexibility is one of the best he has ever seen.

Supervisor Grace stated that if the Town was to accept the tower it could become a liability.

REFERRAL FIELDSTONE MANOR SUBDIVISION – FLEXIBILTY REQUEST
RESOLUTION #293

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: Catucci – Section 15.11, Block 1, Lot 17. Request is to authorize the Planning Board to process subdivision utilizing flexibility standards to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by July 23, 2012, and

Westchester County Planning Board/Planning Department
Town of Cortlandt

Town of Yorktown Agencies:
Building Inspector
Planning Board/Planning Department
Recreation Commission
Town Attorney

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

TONDORF HOT DOG WAGON

Mr. Victor Tonndorf was present to discuss with the Town Board his request to place a hot dog truck/trailer on his property located on Navajo Road. The Town Board voted to refer this application out to the appropriate agencies for comments.

RECONSTRUCTION OF EXISTING ACCESS ROAD TO HUNTERBROOK NORTH
SIPHON CHAMBER

Mr. Edward O'Connor, was present to discuss with the Town Board a request for a Stormwater Pollution Prevention Plan for work that the New York State Department of Environmental Protection needs to do in order to have access to its underground siphon chamber located by the Catskill Aqueduct off Jacobs Road. Because the roadway is un-passable and needs to be fixed the amount of disturbance is over the threshold of the Town Engineer and needs Town Board approval.

REFERRAL OF STORMWATER POLLUTION PREVENTION PERMIT REQUEST
NYCDEP

RESOLUTION #294

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: NYC DEP. The request is for reconstruction of existing access road to Hunter Brook North Siphon Chamber. This will include replacing approximately 10,000 sq. ft. of deteriorated asphalt paving with new asphalt paving and re-establishing approximately 650 linear feet of grass lined ditches to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by July 23, 2012, and

Westchester County Planning Department/Planning Board
NYS Department of Environmental Conservation
NYC Department of Environmental Protection
U. S. Army Corp. of Engineers

Yorktown Agencies:

Acting Town Engineer
Conservation Board
Environmental Consultant
Planning Department/Board
Town Attorney

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

TERM LIMITS FOR SUPERVISOR AND COUNCILMAN

Mr. Edward Ciffone was present to discuss with the Town Board his request to change term limits for the office of Supervisor to three 2-year terms and for the office of Councilman to two 4-year terms. Mr. Nicholas DiTomaso and Mr. John Monacelli from the United Taxpayers of Yorktown were also present. Mr. Ciffone would like the Town Board to pass a local law requiring term limits for the Supervisor and Councilman.

Mr. Edward Ciffone stated that his group could get petitions signed by residents and if they obtain the required amount of signatures a referendum would be placed onto the November ballot but it would be easier if the Town Board passed a local law.

Councilman Bianco stated that he is not in favor of establishing term limits.

Supervisor Grace stated that members of the Elected Town Board in essence do have term limits every two years they can choose a different Supervisor and every four years they can choose different Councilmen. He stated that over the years the residents of Yorktown have done a good job voting out elected officials.

Councilman Paganelli stated that he supports term limits but can see the arguments on both sides. He suggested the supervisor's term be extended to a four year term.

Councilman Murphy stated that you could change the Supervisor's to a three year term.

Mr. Edward Ciffone asked the Town Board to take a poll of who would be in favor of term limits.

Supervisor Grace stated that he would not participate in a poll.

PROPOSED LOCAL LAW – RECYCLING

The Town Board agreed to place this on the July 17, 2012 Town Board Agenda.

REQUEST FROM YORKTOWN HISTORICAL SOCIETY TO USE NUTRITION ROOM AT YCCC - EXEMPT FROM HOURLY FEE AND SECURITY DEPOSIT

The Town Board agreed to place this on the July 17, 2012 Town Board Agenda.

ADVERTISE SPECIAL MEETING ON JULY 25, 2012 – PUBLIC DISCUSS ON THE SUBJECT OF A DEPARTMENT OF PUBLIC WORKS RESOLUTION #295

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

RESOLVED, that the Town Board of the Town of Yorktown will hold a Special Work Session on July 26, 2012 at 6:30 PM for a public discussion on the subject of a Department of Public Works. The meeting will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY. 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPLY FOR CONSOLIDATED FUNDING APPLICATION FOR THE ENVIRONMENTAL PHASE II STUDY AT THE HIGHWAY GARAGE – PLANNING DEPARTMENT RESOLUTION #296

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

WHEREAS, the Town of Yorktown Town Board authorizes the Planning Department to apply to NYS Consolidated Funding Application Grant (2012 Application) for a Phase II Environmental Assessment of the Highway Garage site; and

WHEREAS, the Town of Yorktown Town Board will commit a matching share including donations, supplies and/or materials, and volunteer labor as needed to meet the requirements of the grant; and

WHEREAS, the Town has hired an environmental consultant to conduct a Phase I Environmental Assessment to identify any potential environmental issues to the underlying land or the property improvements: and

WHEREAS, the Town is requesting funds to conduct a Phase II Environmental Study for the site housing the Yorktown Highway Garage: and

WHEREAS, the Town Board declares lead agency under SEQRA for this action: and

WHEREAS, in accordance with 6 NYCRR Part 617 State Environmental Quality Review (SEQR). [Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113]. 617.5(c) 18, the systematic collection of information necessary to allow informed decisions to be made regarding the environmental impact of an action. Data gathering as a preliminary tool for environmental analysis is a type II action and no further environmental review is required: Therefore

BE IT HEREBY RESOLVED, the Town of Yorktown hereby authorizes the Planning Department to apply to New York State for the Consolidated Funding Application for a Phase II Environmental Assessment of the Highway Garage site

Grace, Bianco, Murphy, Patel, Paganelli Voting AYE
Resolution adopted.

TOWN BOARD AGENDA - JULY 17, 2012

The Town Board discussed the July 17, 2012 Town Board meeting agenda which will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 6:00 P.M.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown