

Regular meeting held by the Town Board,
Town of Yorktown on May 4, 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
Alice E. Roker, Town Clerk

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 started her discussion by responding to a question posed by a resident, Mrs. Ann Kutter at a previous Town Board Meeting. The Supervisor explained that her staff had been in contact with the New York State Department of Transportation regarding the neighborhood's request to permit the Town of Yorktown to place a "No Right Hand Turn" sign on Route 202 at its intersection with Old Crompond Road. The Supervisor further stated that she would speak to Mrs. Kutter later this evening regarding the list of requirements that must be met before the DOT can make a decision. The Supervisor announced that the Department of Transportation is looking to hold another public meeting in Yorktown in late June. The State would like to update the public about their proposed construction projects along Route 202 at its intersection with Pine Grove Court and Stony Street. Beautification Day in Yorktown is May 23, 2010. The Beautification Committee and the Yorktown Garden Club are looking for volunteers to help plant flowers along Yorktown's busy intersections. The Garden Club will be holding a Plant Sale on Saturday, May 8, 2010 in front of the Suburban Liquor Store at the Yorktown Green Shopping Center. A portion of the proceeds from the sale will pay for the purchase of plants to be used on Beautification Day. Supervisor Siegel read a letter from a resident of Jefferson Village who complimented the Town's emergency personnel for their help when the power went off in the Village last week.

DURING THEIR REPORTS TO THE TOWN, Councilman Bianco stated that after he received a call from a resident in Jefferson Village who told him the lights went out last Tuesday, he called the Police Chief and the Highway Superintendent.

Councilman Martorano introduced the coach of the Lakeland High School Girl's Basketball Team.

Mr. Steve Fallo thanked the Town Board for acknowledging his team which came in second in the State Finals.

Councilman Murphy stated that Assemblyman Gregory Ball will be holding a Forum about child safety zones on May 13, 2010. He is hoping to enact legislation that will keep sexual predators away from our children.

Councilman Patel stated that he will be a volunteer on May 23, 2010, Plant-In Day. He represented the Town Board at the Opening Ceremony for the new Yorktown High School Ball Field named in honor of their lacrosse team, The Husker.

COURTESY OF THE FLOOR

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

Representatives of the American Cancer Society's Relay for Life Event stated that this coming Friday is "Paint the Town Purple Day." The school districts, businesses and many of the Town's restaurants will be participating. The young women further stated that Eric DiBartolo, Yorktown's Highway Superintendent has been invaluable to our committee. The Relay for Life will take place on June 11, 2010 at the track behind the Yorktown Community and Cultural Center. The opening ceremony will begin at 7:00PM.

Mr. Paul Moskowitz thanked the Highway Superintendent for updating the street lights in Yorktown with energy saving light bulbs. He also thanked the members of the Town Board who voted to continue negotiations in hopes of purchasing the former subdivision known as Granite Knolls. The Open Space Advisory Committee believes this is a very valuable piece of property in the northern end of Town. If the purchase goes through, people will be able to go from Sylvan Glen on the west side of Yorktown to the Legacy Ball Fields on the east side of the Town. The Granite Knolls property is the site of an old quarry with many geological features.

Mr. Ed Killeen stated that he thought tonight's Town Board meeting was going to be held at the John C. Hart Library in Shrub Oak. He further stated that he was shocked to hear about the new proposals in the Comprehensive Plan. The plan that you are now proposing will further increase taxes. We are already situated in the highest taxed county in the United States. The plan, as he sees it calls for the construction of between one and two thousand additional housing units. These units will not pay their fair share in taxes. We don't need more development, we need less.

Mr. Howard Frank stated that he has been trying to reach out to the Traffic Committee. He provided the Town Board with a diagram. Mr. Frank stated that one of the major causes of traffic accidents is sight distance problems at various intersections in the Town of Yorktown. He suggested that Yorktown do what other communities have done; impose a twenty five (25) set back at each intersection which takes in to account any and all landscaping. Mr. Frank further stated that he would like the Traffic Committee to take a look at the intersection of Gomer Street and London Road.

Mrs. Robin Stettmisch, a resident of York Hill Road stated that last Friday, the Yorktown Police Department shot a rabid raccoon at her next door neighbor's home. The raccoon bit the neighbor. Mrs. Stettmisch stated that she fears for the safety of everyone in her neighborhood, especially her three young children. The next door neighbor continues to feed the feral cats. There are about 36 in the neighborhood that may have come into contact with the raccoon possibly through licking the same food and water bowls. Melinda O'Brien has been successful in rounding up many of these cats who then get rabies shots and spaying or neutering. But, many of these cats are long overdue for the booster shots. What is the Town Board going to do about this potential threat of rabies? Mrs. Stettmisch reminded the Town Board that she and other neighbors asked the Town Board to remove these cats three years ago. Instead, the Town came up with the Trap, Spay or Neuter and return policy. Some of these cats have died, but we will not know if they have rabies unless testing is done on a dead cat's brain.

Dr. C. Bierman handed the Town Board a letter, a copy of which is on file in the Town Clerk's Office which in part states that he has not heard from the John C. Hart Library's Board of Trustees since sending them recommendations which generally ask the people who come into our Library to be quiet and considerate. He did say that the Library is quieter these days.

Mrs. Jennie Menton, a resident who moved here in the 1950's stated that she lives in the area of the feral cat situation. In fact, she was once friendly with the woman who feeds these cats. Years ago, neighbors were more considerate of one another. She thinks something should be done about the feral cat problem.

Mrs. Melinda O'Brien reading from her notes stated that since the Trap, Spay/Neuter Program went into effect in 2008, 85 cats from different areas of Yorktown have been taken to the SPCA in Briarcliff. This is a difficult problem with no easy solution. Mrs. O'Brien stated that she was there when the Police Officer shot the raccoon. The woman who feeds these cats places the food down morning and then picks up the food vessel in the evening. The dishes are then cleaned with Clorox. Mrs. O'Brien further stated that she started trapping cats in this location in 2008 when there were about 40 cats. She kept three (3) and oversaw the adoption of twenty five (25) other cats. She believes that there are only five (5) cats left in the neighborhood, and that the woman owns two (2) of them who are put indoors in the evening. Mrs. O'Brien was asked to explain how the trap neuter/spay and release program worked by members of the Town Board. She was also asked if any of the cats showed any signs that they were infected with the rabies virus. She said no. She was then asked where she was working at this point. Mrs. O'Brien stated that she was working on colonies of feral cats on Baldwin Road and in Mohegan Lake.

Councilman Martorano asked if there are any tests that can be performed on live animals to see if they have been infected with rabies.

Mrs. O'Brien said no. But, there are chemicals and mechanical devices that can be purchased to keep cats away. She believes the use of coffee grinds is a good deterrent and is environmentally friendly.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Councilman Bianco stated that members of the Town Board agree that these cats should get whatever booster shots that may be required. We also approve getting one of the dead cats tested for rabies.

Supervisor Siegel stated that Mr. Frank's traffic comments will be referred to the Traffic Committee which meets later this week. She told Mr. Bierman that the Town Board would pass along his list of recommendations to the Library Board of Trustees. They operate under the jurisdiction of New York State Education law. Supervisor Siegel told Mr. Killeen that the next comment period for the Comprehensive Plan will be May 18th. We are waiting to sign the contract for Granite Knolls. We will not sign off on it unless the seller has a release from the New York State Department of Environmental Conservation.

Councilman Martorano thanked Mr. Moskowitz for his comments on the purchase of Granite Knolls.

Councilman Bianco stated that the Town has to preserve the property known as Granite Knolls. There is a small footbridge that goes over the Taconic Parkway and ends. The point of asking DOT to build this bridge for us was because we knew that if we were able to purchase the land, there would be a west/east connection into the Legacy Ball Fields. He agreed with the comments from Mr. Killeen about the Comprehensive Plan.

Councilman Patel stated that the purchase of the Granite Knolls property is a work in progress.

Councilman Murphy stated that he believes that Granite Knolls is an unbelievable piece of property, but he has concerns. The sellers owe a lot in back taxes, there was an oil spill on the property and we don't know if any of the buildings contain asbestos. Once these issues are cleared up, he will support the project.

APPOINTMENT

JOAN LANDZBERG - ETHICS BOARD

RESOLUTION #208

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

BE IT RESOLVED, that Joan Landzberg is hereby appointed as a member of the Ethics Committee for a three year term expiring May 5, 2013.

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

APPOINTMENT

ROBERT GAROFALO - ETHICS BOARD

RESOLUTION #209

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

BE IT RESOLVED, that Robert Garofalo is hereby appointed as a member of the Ethics Committee for a 1 year term expiring May 5, 2011.

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

APPOINTMENT

RICHARD RUBENSTEIN - ETHICS BOARD

RESOLUTION #210

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

BE IT RESOLVED, that Richard Rubenstein is hereby appointed as a member of the Ethics Committee for a 2 year term expiring May 5, 2012.

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

APPOINTMENT

LAURIE NOONAN - ETHICS BOARD

RESOLUTION #211

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

BE IT RESOLVED, that Laurie Noonan is hereby appointed as a member of the Ethics Committee for a 3 year term expiring May 5, 2013.

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

APPOINTMENT

IRA FORMAN - ETHICS BOARD

RESOLUTION #212

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

BE IT RESOLVED, that Ira Forman is hereby appointed as a member of the Ethics Committee for a 2 year term expiring May 5, 2012.

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

APPOINTMENT

DENISE SAVAGE – BOARD OF ASSESSMENT REVIEW

RESOLUTION #213

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

BE IT RESOLVED, that Denise Savage is hereby appointed as a member of the Board of Assessment Review completing a vacated term expiring September 30, 2011.

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

ANNUAL STORM WATER PRESENTATION
BRUCE BARBER – ENVIRONMENTAL CONSULTANT

Bruce Barber, Environmental Consultant for the Town of Yorktown presented the Town Board with the Annual (March, 2009 – March, 2010) Storm water Report which goes to the New York State Department of Environmental Conservation. Six minimum measures need to be fulfilled annually.

Mr. Barber spoke about a change in the law from last year that imposes additional requirements on areas located in the East of Hudson watershed. The Annual Report is compiled from data supplied by the Engineering Department, the Highway Department, the Building Department and the Department of Environmental Conservation.

Mr. Barber spoke about the Inter-Municipal Agreement that created the Croton-Kensico Watershed Inter-Municipal Coalition. This was done to address and resolve issues on an inter-municipal basis. This agreement produced new mapping standards.

The Town of Yorktown is required to reduce its phosphorous input by 60 kilograms. Many years ago, the Town Board signed an agreement to receive various public education materials that are handed out to the public.

The Conservation Board is working on a storm water public education program.

Mr. Barber concluded his presentation by stating that he will be attending the Town Board's work session next Tuesday with a new proposed storm water regulation that is required by law.

Mr. Howard Frank stated that during Hurricane Floyd areas within the boundaries of the Yorktown Central School District were hit hard. We were told that they were going to install additional drainage in those areas, did they?

Mr. Barber responded by stating that school districts are a separate reporting district.

PUBLIC HEARING
PROPOSED LOCAL LAW REPEALING AND REENACTING CHAPTER 45 OF THE CODE ENTITLED "ETHICS"

Supervisor Siegel convened the public hearing to consider repealing and reenacting Chapter 45 of the Code of the Town of Yorktown entitled, "ETHICS" relating to definitions; applying the ethics provisions to all town employees and officials; adding revolving door restrictions; and other changes intended to strengthen the town ethics code. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel explained that the last time this legislation was revised was 1993. She presented the public with a sheet that highlighted some of the changes in this proposal.

The definition of family has been broadened to include child's spouse, sibling's spouse and domestic partner. The old law applied only to board elected officials, the current proposal will apply to all town officials and employees, unless otherwise specified. On the Annual Disclosure Form, the current language relating to outside business interests or employment is ambiguous. Under the section entitled gifts, the current proposal states that restrictions apply to soliciting or accepting gifts, including food/meals in excess of

\$500. Restrictions prohibiting elected officials from being officers of their political party have been broadened to include all approval board members, including members of the Zoning and Planning Board. The proposal clarifies language requiring disclosure of outside business interest or employment. The new proposal requires the Ethics Board to meet at least once a year. Under the penalty section, civil court remedy has been eliminated. All town officers and employees will now be required to sign that they have received and read a copy of the law.

Mr. Gil Kaufman inquired about the restriction on members of the Ethics Board which states that no more than a majority minus one shall be registered in the same political party.

The Supervisor explained that we inquired of their political affiliation during the interview process.

Mr. Edward Killeen stated that he thinks allowing someone to accept a gift up to \$500 is outrageous. Under state law, the restriction is \$75.

The Supervisor stated that one member of the Board asked that the dollar limit be higher because he sometimes receives Yankee Baseball tickets from patrons of his restaurant.

Mr. Howard Frank stated that he feels the disclosure section should include the word lobbyist.

Councilman Martorano asked if a board member receives a telephone call from a resident expressing his or her views on a particular subject, would that be considered illicit influence?

Mr. Steve Gardner stated that he was happy to see this new legislation. He also agreed with several of the comments made tonight concerning this legislation. He asked several questions including when did the Ethics Board hold its last meeting? What will be the manner in which a taxpayer makes an ethics complaint? Mr. Gardner further stated that last year, he stood before the Board and made an ethics complaint and nothing happened.

Supervisor Siegel stated that the complaint should be sent to the Town Board who will then decide whether it goes to the Ethics Board.

Mrs. Ann Kutter stated that she agreed with Mr. Killeen that if a \$75 gift restriction is good enough for New York State officials, it should be good enough for Yorktown officials. She further stated that ethics laws are not written because people do the right thing. Why was the civil court remedy eliminated? She further asked why are ethics complaints only sent to the Town Board, this is something that she thinks the Board should think about.

Councilman Bianco stated that the Town Board feels that we should be the gatekeeper. While this does impose a lot of pressure on the Town Board, we would like to be able to filter out the legitimate complaints from the ones that are bogus.

Supervisor Siegel stated that the current proposal places a \$500 value on gifts, the current law has no dollar amount. With regard to how the ethics complaints get to the Ethics Board, the same provisions apply in the current proposal.

Mrs. Jennie Menton asked what would happen if a member of the Ethics Board changes their political affiliation.

Councilman Martorano stated if the member changed their affiliation, the Town Board would have to do something.

Mr. Edward Killeen stated that the more he thinks about the \$500 limit, the more ways he thinks that it can be abused. He suggested that anything above \$75 be documented.

Mr. Anthony Grasso stated that he has mixed feelings regarding this proposal. He is still upset at the fact that the Town Board did not interview everyone who applied to be a member of this Board. Mr. Grasso further stated that the letter he received explaining that he would not be interviewed, he viewed as an insult.

All those present having been given the opportunity to be heard and there being no further discussion. Councilman Bianco motioned, seconded by Councilman Martorano to closed the public hearing. Followed by a ten day comment period.

PUBLIC HEARING
PROPOSED LOCAL LAW REPEALING AND REENACTING CHAPTER 168 OF THE
CODE ENTITLED "FEES"

Supervisor Siegel convened the public hearing to consider repealing Chapter 168, in its entirety, and enact a new Chapter 168, entitled "FEES" relating to authorizing a master fee schedule and professional review fees. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Siegel stated the part of the proposal that deals with miscellaneous fees needs to be deleted. This was an error. This proposal is being done to establish a master fee for land development applications. There are many fees spread throughout different sections of the Town Code. We would like to see one Master Fee Schedule. The Board is not currently changing any fees. In the next few months, we will pass a resolution with the actual fees and will amend the code to remove the fees from all other sections. We will however add a Professional Review Fee. Right now, the only professional consulting fee that is in the code is for wetlands. There is also a requirement for traffic studies for developments on Route 202 and Route 6 which states that the applicant must pay for it. Since 2008, the Town has used outside Counsel for our Planning and Zoning Boards. The original goal when the outside counsel was hired was to charge their services back to the applicant. Right now, the residents of Yorktown are paying these fees. The proposal would require the applicant to pay these fees. The Town of Yorktown's current agreement with outside counsel sets a charge of \$240 for the first three hours. If the attorney feels that they need more time with an application, they would have to go back to the approving board for authorization.

Supervisor Siegel read communications from Aaron Bock representing the New Yorktown Chamber of Commerce asking that tonight's public hearing be adjourned so that they may formulate a response. The Board received a similar letter from the Planning Board. She read a letter from Al Capellini opposing the legislation who stated that he believes that the Town's staff should be doing the review.

Mr. Ed Killeen stated that he sat on the Planning Board for ten years. The majority of the review was done by in-house staff. They would only seek outside help, if the professionals in-house did not have the expertise that was needed. The applicant should be able to hire whomever he wants to hire.

Jeannette Koster, the Town Attorney stated that if the Town went to the applicant's professional for advice that might pose a conflict of interest.

Councilman Martorano stated that he believes that the Town of Yorktown is taking in too many fees. The fee structure was increased during the late 1980's for no good reason other than to make money.

Supervisor Siegel stated that this will be a pass through system. The consultant's fees will be limited and specific.

Councilman Martorano stated that this is a philosophical issue for him. Is it always our function to get money back? What's next? Should someone be charged if we sent a police officer to investigate an accident?

Councilman Bianco stated that in Mr. Capellini's case, this is an applicant who knew there would be problems with this application. He has no problems with recovering

fees from applications.

Councilman Murphy stated that he is concerned with this proposal. Who and when will someone put a halt to an outside consultant's investigation of an application. But, he also believes that the Town should not have to absorb all of the cost of these applications. There should be a cap on the investigation.

Councilman Bianco stated that the Town Attorney will have oversight on the outside consultants as well as the Planning Board and Zoning Board Chairpersons.

Councilman Martorano stated that he does not believe that outsourcing is an efficient way to work.

Mrs. Ann Kutter stated that as a member of the Conservation Board, we look at applications, some of which are very complicated and we do not have in-house resources. So, we must use a consultant. As a taxpayer, she does not want to pay the cost of what someone else wants done on their property.

All those present having been given the opportunity to be heard and there being no further discussion. Councilman Bianco motioned, seconded by Councilman Martorano to adjourn the public hearing.

ADVERTISE
COMPREHENSIVE PLAN FORUM
RESOLUTION #214

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

This notice is issued pursuant to Section 272-a of the Town Law and Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, "SEQRA")) of the Environmental Conservation Law.

PLEASE TAKE NOTICE that a forum will be convened by the Town Board of the Town of Yorktown, Westchester County, New York, at the Yorktown Town Hall Board Room on Tuesday, May 18, 2010 at 7:30 p.m. or as soon thereafter as the same can be heard. The forum will be convened for the public to comment orally and/or in writing upon the draft SEQRA Findings Statement on the Yorktown 2010 Comprehensive Plan and Related Future Zoning Amendments and Local Laws, as defined below as the "Proposed Action."

ALL PERSONS INTERESTED in this matter may appear before the Board in person or by agent or attorney, and will be heard before any final determination is made. In addition, written comments can be submitted through the close of business on May 25, 2010 to Yorktown Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Name of Action: Revised Town of Yorktown Comprehensive Plan and related zoning amendments.

Lead Agency: Town of Yorktown, Town Board, 363 Underhill Avenue, Yorktown Heights, NY 10598.

Description of Action: The proposed action is a Revised 2010 Comprehensive Plan outlining a vision for the Town for the next 20 years, together with associated anticipated changes in the Zoning Map and the text of the Zoning Code ("Proposed Action"). The Plan includes policy recommendations for land use, housing, parks and recreation, town and community services, utilities and infrastructure. Recommendations for improving traffic flow and traffic calming options are also detailed as are opportunities for protecting and enhancing neighborhood community character, and scenic, historic and natural resource protection. Examples of policy recommendations include: (1) the development of conservation overlay districts to protect natural and scenic resources; (2) improvements to environmental protection ordinances; (3) update of the Town Recreation Plan; (4) goals and techniques for historic preservation; (5) expansion of senior and youth programs to respond to changing demographics; (6) expansion of library space and services; and (7)

specific improvements to intersections. The Proposed Action also offers details for improving and enhancing the five business hamlets of Shrub Oak, Mohegan Lake, Jefferson Valley, Crompond (Route 202 corridor) and Yorktown Heights. Consistent with the land use recommendations, the Proposed Action anticipates future implementing re-zonings for commercial, office and residential zones. The changes to the commercial zones consist of renaming some of the zones to accurately reflect their uses. There are also changes to the allowed and accessory uses in the commercial zones. Re-zoning of certain large lot, contiguous residentially-zoned parcels in the Town to reduce density is proposed. Also proposed are overlay districts (called design districts) to enhance development and/or redevelopment of areas through carefully designed mini-master plans.

Location: Town of Yorktown, Westchester County

Potential Environmental Impacts: Under the Proposed Action, fewer housing units will be constructed, resulting in a smaller population increase than could occur under Future Baseline Conditions. A new set-aside requirement could help to ensure that new affordable workforce housing is made available during the horizon period. The demand for commercial space would decrease. In addition, the Proposed Action would allow for the construction of additional office space, while reducing potential industrial buildout. The implementation of new regulations will help stem the decline of, and even improve, water quality in the Croton and Peekskill Hollowbrook watersheds. New regulations, such as Conservation Overlay Zones, and proposed purchases of important habitat areas will help to maintain Yorktown's biodiversity. Demand for water and sewer service will be reduced. Scenic and historic resources will be protected through new regulations, conservation easements and purchases. New regulations and acquisitions will help to protect farmland that could be lost to development. The Proposed Action would reduce the future growth in school enrollment, particularly in the Lakeland district. New zoning regulations would be imposed throughout the Town to protect and enhance the unique character of each part of Yorktown. Residential traffic trips would be reduced, however there could be a potential increase in retail and office generated trips. Mitigation is proposed to alleviate the potential impacts. Overall, the Proposed Action will not have significant adverse impacts that cannot be avoided or mitigated.

A copy of the draft SEQRA Findings Statement, the complete Environmental Impact Statement, and the February 2010 Comprehensive Plan may be obtained from:

Yorktown Planning Department, 1974 Commerce Street, Yorktown Heights, NY 10598, 914-962-6565; or the Yorktown Town Clerk's Office, 363 Underhill Avenue, Yorktown Heights, NY 10598; or the John C. Hart Memorial Library, 1130 Main Street, Shrub Oak, NY 10588; or online at www.yorktownny.org.

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

ADVERTISE

SALE OF USED EQUIPMENT – HIGHWAY DEPARTMENT RESOLUTION #215

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

WHEREAS, the Town of Yorktown owns and has in its possession several items (see list attached), which are no longer necessary or adaptable for use by the Town, and whereas it is in the best interest of the Town to dispose of said equipment/vehicle and receives monetary compensation for the benefit of the Town, now therefore be it

RESOLVED, that the Supt. of Highways of the Town of Yorktown is hereby authorized to sell the said equipment/vehicle by sealed bid to be submitted to the Supt. of Highways,
281 Underhill Avenue, Yorktown Heights, New York no later than 10:00 AM on May 18th, 2010.

A listing, as shown below, of said used equipment and/or vehicles is on file in the office of the Town Clerk. The equipment and/or vehicles may be examined at the

Yorktown Highway Department, 281 Underhill Avenue, Yorktown Heights, New York, between the hours of 7:00 AM – 2:00 PM, Monday – Friday. The sale of this equipment and/or vehicle is subject to the execution of a bill of sale prepared by the Town Attorney. The Town of Yorktown also has the right to withdraw the equipment/vehicle prior to the actual sale. The Town Board further reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town. The sale is contingent upon the payment of 100% of the winning by cash and/or check at time of the acceptance of the offer of bid, subject to the “**AS IS**” condition of the equipment and/or vehicle.

1. 1996 International Dump Truck, Vin #1HTSEAAR2TH246344
2. 1994 Ford Dump Truck, L8000, Vin #1FDYK82E4RVA27282
3. 1988 Ford Dump Truck, Vin #1FDYK82A3JVA19983
4. 1993 GMC Pick-up, 2500 Series, Vin #1GTGK24KXPE545541

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

RESCIND AND READVERTISE
ELECTRICAL WORK ON TOWN BUILDINGS
RESOLUTION #216

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

WHEREAS, pursuant to a resolution of the Town Board, the Town Clerk advertised for bids for electrical work on town buildings, and

WHEREAS, a contract for Electrical Work on Town Buildings was awarded by Town Board Resolution on April 6, 2010, to LK Equities Ltd., and

WHEREAS, the Town was subsequently advised by the New York State Department of Labor that the bid documents issued by the Town in advertising for bidders for the Town’s electrical work on town buildings contained defective specifications with respect to the State’s prevailing wage law, and that the defects thereby rendered all the bids received null and void, and

BE IT RESOLVED, that the Town Board does hereby rescinds the Resolution dated April 6, 2010, rejects all the bids received and opened on March 1, 2010, and authorizes the Town Clerk to re-advertise for bids on electrical work on town buildings.

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

RESCIND AND READVERTISE
STREET LIGHT MAINTENANCE
RESOLUTION #217

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

WHEREAS, pursuant to a resolution of the Town Board, the Town Clerk advertised for bids for street light maintenance, and

WHEREAS, a contract for Street Light Maintenance was awarded by Town Board Resolution on March 16, 2010, to P&M Electric, and

WHEREAS, the Town was subsequently advised by the New York State Department of Labor that the bid documents issued by the Town in advertising for bidders for the Town’s street light maintenance work contained defective specifications with respect to the State’s prevailing wage law, and that the defects thereby rendered all the bids received null and void, be it

RESOLVED, that the Town Board does hereby rescinds the Resolution dated March 16, 2010, rejects all the bids received and opened on March 1, 2010 and authorizes the Town Clerk to re-advertise for bids on street light maintenance.

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

RESCIND AND READVERTISE
TRAFFIC LIGHT WORK/REPAIR
RESOLUTION #218

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

WHEREAS, pursuant to a resolution of the Town Board, the Town Clerk advertised for bids for traffic light work/repair, and

WHEREAS, a contract for traffic light work/repair was awarded by Town Board Resolution on March 16, 2010 to Verde Electric Maintenance Corp., and

WHEREAS, the Town was subsequently advised by the New York State Department of Labor that the bid documents issued by the Town in advertising for bidders for the Town's traffic light work/repair contained defective specifications with respect to the State's prevailing wage law, and that the defects thereby rendered all the bids null and void, be it

RESOLVED the Town Board hereby rescinds the Resolution dated March 16, 2010, rejects all the bids received and opened on March 1, 2010 and authorizes the Town Clerk to re-advertise for bids on Traffic Light Work/Repair.

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

APPOINTMENT
ROBERT V. AGOSTINO – LABORER – DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
RESOLUTION #219

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

BE IT RESOLVED, that Robert V. Agostino of Yonkers, NY, is hereby appointed Laborer, job class code 0425-05, within the Environmental Conservation Department, effective May 5, 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 May 5, 2010.

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

RELEASE EROSION CONTROL BOND
NATALIE MECCARIELLO – EXCAVATION PERMIT #E-033-09
RESOLUTION #220

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

WHEREAS, Natalie Meccariello, as applicant, heretofore filed an Erosion Control Bond in the sum of \$1,000.00, which was deposited into the T33 account on December 4, 2009, to serve as the Erosion Control Bond for Excavation Permit # E-033-09, for work performed at her Barkley Lane residence; and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$1,000.00 for erosion control may be released; NOW, THEREFORE BE IT

RESOLVED, that the above-referenced Erosion Control Bond in the amount of \$1,000.00 be and is hereby released to Ms. Natalie Meccariello, 3303 Barkley Lane, Yorktown Heights, NY 10598.

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

RELEASE EROSION CONTROL BOND
THERESA MILANO – EXCAVATION PERMIT #E-045-08
RESOLUTION #221

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

WHEREAS, Theresa Milano, as applicant, heretofore filed an Erosion Control Bond in the sum of \$500.00, which was deposited into the T33 account on October 23, 2009, to serve as the Erosion Control Bond for Excavation Permit #E-045-08, for work performed at her Carolina Road residence; and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for erosion control may be released; NOW, THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$500.00 be and is hereby released to Ms. Theresa Milano, 273 Carolina Road, Yorktown Heights, NY 10598.

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

AUTHORIZE SUPERVISOR TO SIGN
FIVE YEAR CONTRACT – VERIZON FOR LAND LINE PHONE SERVICE TO THE
TOWN OF YORKTOWN
RESOLUTION #222

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

BE IT RESOLVED, that the Supervisor is authorized to sign a five year contract with Verizon New York Inc. to provide land line phone service to the Town of Yorktown, at a monthly cost of \$2,765 (annual cost of \$33,180.00 for a total of \$165,900.00 over the 5-year term), inclusive of dial tone service, local and long distance service, service connection charges, nonrecurring charges, usage charges and tariff surcharges which include EUCL (Federal End-User Common Line) and CEA (Contrex Exchange Access).

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

AUTHORIZE A MEMBER OF COMMUNITY HOUSING BOARD
TO BE A HEARING OFFICER FOR YORKTOWN SECTION 8 PROGRAM
RESOLUTION #223

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

BE IT RESOLVED, that a member of the Town's Community Housing Board is authorized to serve as the Town's Section 8 hearing officer under the Town's Administrative Plan if such individual,

(a) in the opinion of the Director of the Town's Section 8 Program and the Town Attorney, has good and sufficient knowledge of the rules and law applicable to the Section 8 program;

(b) is (i) an attorney in good standing in the State of New York, or (ii) certifies that he or she has read the New York State Civil Service Commission's Manual for Hearing Officers and agrees to comply with the guidelines set forth therein, including the provisions of the ethics code set forth at Exhibit D as such provisions pertain to the Section 8 program; and

(c) shall serve without compensation; and

BE IT FURTHER RESOLVED, that the Town shall take such steps as are necessary and appropriate to amend or update its Administrative Plan in order to effectuate this resolution.

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

AUTHORIZE SUPERVISOR TO SEND OUT
REQUEST FOR PROPOSALS (RFP) FOR LOCK BOXES
RESOLUTION #224

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

WHEREAS, the Town is continually exploring programs and practices that can increase the efficiency of town operations and reduce costs, and

WHEREAS, the Town's Tax Department manually handles between 30,000 to 40,000 pieces of mail containing checks annually, and

WHEREAS, third party entities can provide Lock Box services for the receipt and data entry of municipal tax and water bill payments,

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to distribute a Request for Proposals to providers of Lock Box services.

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

RESCIND THE RESIGNATION OF JOHN KINCART
BOARD OF ASSESSMENT REVIEW
RESOLUTION #225

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

RESOLVED, the resignation of John Kincart, member of the Board of Assessment Review is rescinded.

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

AWARD BID
SUMMER CAMP PROGRAMS
RESOLUTION #226

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

WHEREAS, invitation to bid for the Provision of Buses for the Summer Camp Program for the Yorktown Parks and Recreation Department was duly advertised, and

WHEREAS, said bids were received and opened on May 3, 2010, with the bid amounts for the above-referenced project summarized as follows; NOW, THEREFORE BE IT

Section I. A. (School Buses for Swimming Program)

	COMPANY	BID
1	Royal Coach Lines, Inc.	\$6,270.00 (1 bus) / \$12,540.00 (2 buses)
2	Baumann & Sons Buses, Inc.	\$7,017.56 (1 bus) / \$14,035.12 (2 buses)
3	J & R Tours	No Bid
4	JTR Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section I. A. (School Buses for Swimming Program) be and is hereby awarded to Royal Coach Line, Inc. the lowest responsible bidder.

Section I. B (School Buses for Extended Day Program)

	COMPANY	BID
1	Royal Coach Tours, Inc.	\$1,840.00 (2 buses) / \$920.00 (1 bus)
2	Baumann & Sons Buses, Inc.	\$7,796.08 (2 buses) / \$3,898.04 (1 bus)
3	J & R Tours	No Bid
4	JTR Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section I. B. (School Buses for Extended Day Program) be and is hereby awarded to Royal Coach Line, Inc. the lowest responsible bidder.

Section I. C (School Buses for Trips)

	COMPANY	BID
1	Royal Coach Tours, Inc.	\$7,900.00
2	Baumann & Sons Buses, Inc.	\$8,147.58
3	J & R Tours	No Bid
4	JTR Transportation	No Bid

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section I. C (School Buses for Trips) be and is hereby awarded to Royal Coach Line, Inc. the lowest responsible bidder.

Section II (Coach Buses for Trips)

	COMPANY	BID
1	Royal Coach Tours, Inc.	\$14,745.00
2	Baumann & Sons Buses, Inc.	No Bid
3	J & R Tours	\$17,475.00
4	JTR Transportation	\$15,840.00

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, Jennifer Fava, the bid for Section II. (Coach Buses for Trips) be and is hereby awarded to Royal Coach Line, Inc. the lowest responsible bidder.

AND BE IT FURTHER

RESOLVED, the results of sections I and II, is hereby awarded to Royal Coach Tours, Inc. and will amount to approximately: (please note – trips may change due to scheduling changes/conflicts/weather etc. Additional bids were collected for other trips and will be used if needed)

Section I.A (2 buses) = \$12,540.00

Section I.B (2 buses) = \$1,840.00
Section I.C = \$7,900.00
Section II = \$14,745.00

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

COURTESY OF THE FLOOR

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

Dr. Bierman thanked the Town Board for their willingness to address his issues at the Library. He would like to get a letter from the Library Director Patricia Barressi or from Audrey Sherman. He further stated that he does not understand why the Town Board does not have oversight when it comes to the Library's Board of Trustees.

Mr. Howard Frank stated that he was recently in the Hart Library and when he powered up his lap top computer, he was told to turn the volume down. So, the staff is doing their job regarding noise. Mr. Frank also spoke about a problem that he was having in getting service from Cablevision. He believes the Cable Committee should investigate their activities.

Mrs. Ann Kutter, a resident of Old Crompond Road thanked the Supervisor for her follow-up with the Department of Transportation regarding their traffic issue. She wanted to know what the requirements were for having this sign placed on her road?

Mrs. Robin Stettmisch disagreed at length with the figure given to the Town Board by Melissa O'Brien with regard to the number of cats in her area. She says there are 51 cats in her neighborhood. She also stated that the cats who did receive their rabies shots have not had a booster even though New York State requires a booster after one year.

Mr. Edward Killeen stated that he may not be able to make the May 18, 2010 Comprehensive Plan Forum. Taxes drive quality of life in the Town of Yorktown. Town Boards are fond of saying that local taxes only amount to 20% of our total tax bill. What previous Town Boards have done with zoning have created the tax problems we have today. Mr. Killeen stated that he does not support having apartments above stores. Single family homeowners will have to pay for this. Wealthier communities have lower costs because of the amount of development in their areas.

Mr. Edward Ciffone stated that he would like to hear an update on the purchase of the Granite Knolls property. He asked if its zoning would be different under the proposed Comprehensive Plan? Would the property be as valuable?

Mr. Grasso stated that Mr. Killeen's comments during the public hearing on the Master Fee proposal were interesting. As he probably recalls, during the 1980's, when he was on the Planning Board, taxes started going up. The fees we were charging for professional services in one department equaled 30% of the cost, so it was raised to cover 60% of the cost. Whether we think the fees are high or too low, the Town Board should come up with a fee that is reasonable for everyone. Controlling taxes mean controlling spending. Since January, this Town Board has proposed spending that is greater than it should be.

Mrs. Jennie Menton addressed the Board stating that something had to be done with the issue of cats on York Hill Road.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to questions and comments stating:

She would provide Mrs. Kutter with the information that her staff received from the New York State Department of Transportation when the meeting ends. She has not signed a contract with Granite Knolls. The appraisal value of the property was \$3.3 in 2007. The Town Board will continue its discussion on the Master Fee proposal. She also disagreed with Mr. Grasso stating that the Town Board has controlled spending. Two positions in the Highway Department were eliminated and one position in the Water Department was not filled. We are investigating having a lock box procedure for payment of taxes which will reduce personnel costs in the Tax Department. We have a Request for Proposals to investigate our insurance costs. We have had to spend \$170,000 on a legal settlement that was not budgeted for. So far, capital projects that we are told must be done total \$246,000. They too were not in the budget. We have a long list of tax certioraris that were not budgeted for. We are trying to maintain the quality of life and protect the community by hiring a full time Fire Marshal. There has been some resistance on the Town Board. We anticipate a resignation which may cover a portion of the costs of this new position. We are still negotiating the theatre lease.

Councilman Bianco stated that the trap neuter and release program for feral cats was set up several years ago when we were made aware of the problem. The Animal Control Officer tells us that it is working, that there are fewer cats in the area. We will do more. The Councilman further explained to Mr. Killeen that he has attempted to explain how taxes work to this new Town Board, but they don't listen.

Councilman Murphy reiterated his response to Mr. Moskowitz concerning the Granite Knolls property which is that while he believes it is a magnificent piece of property, we have problems. Once they are cleared up, he will be in favor of the purchase.

REFUND DUPLICATE TAX PAYMENTS
RESOLUTION #227

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

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

Tax & Year	Property	Amount	Refund to:
2009 Sch 21	17.11-1-4	\$3,507.87	BAC Tax Service Corp. P.O. Box 10211 Van Nuys, CA 91410-0211
May 4, 2010 2009 Sch 21	16.20-3-1	16 \$3,320.78	BAC Tax Service Corp P.O. Box 10211 Van Huys, CA 91410-0211
2009 Sch 21	16.11-1-7	\$3,110.31	BAC Tax Service Corp P.O. Box 10211 Van Huys, CA 91410-0211

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

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown