

Special Meeting held by the Town Board, Town of Yorktown on August 31, 2010. 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  
Diana L. Quast, Deputy Town Clerk

SPECIAL MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster was also present.

PUBLIC HEARING

PROPOSED NEW YORK STATE RETIREMENT INCENTIVE PLAN

Supervisor Siegel convened a public hearing to consider amending Local law #7 of 2010 with regards to a Retirement Incentive Program for eligible town employees as authorized by Chapter 105, laws of 2010 of the State of New York. Affidavits of Posting and Publication were presented by the Deputy Town Clerk.

There was no public comment.

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 close the public hearing.

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

LOCAL LAW #8 OF 2010

AMENDING LOCAL LAW #7 - NEW YORK STATE RETIREMENT INCENTIVE RESOLUTION #392

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

WHEREAS, the Town Board of the Town of Yorktown conducted a public hearing on August 31, 2010 pursuant to notice duly published as required by law to consider amending Local law #7 of 2010 with regards to a Retirement Incentive Program for eligible town employees as authorized by Chapter 105, laws of 2010 of the State of New York.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves local law #8 of 2010, a retirement incentive to the following job titles:

Assistant Water Superintendent  
Water Meter Maintenance Foreperson  
Water Maintenance Foreperson  
Senior Office Assistant  
MEO/Stock Clerk

The question of the adoption of the foregoing Local Law was duly put to a vote on roll- call, which resulted as follows:

Supervisor Siegel	Voting Aye
Councilman Bianco	Voting Aye
Councilman Martorano	Voting Aye
Councilman Patel	Voting Aye
Councilman Murphy	Voting Aye

Local Law #8 of 2010 was thereupon declared duly adopted.

APPROVE REVISED POLICY  
MEDICAL BENEFITS FOPR ELECTED OFFICIALS  
RESOLUTION #393

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

WHEREAS, on February 2, 2010, the Yorktown Town Board adopted Resolution #72 clarifying the town's long standing policy regarding elected officials and health benefits, and

WHEREAS, the need has arisen to amend Resolution #72 to make it clear that the resolution was meant to apply to both part time and full time elected officials, now

THEREFORE BE IT RESOLVED, that the Town Board adopts the following policy regarding the provision of medical benefits to elected officials

**Policy Regarding Medical Benefits for Elected Officials**

All elected officials, regardless of the number of hours worked, are entitled to medical, dental and vision benefits in accordance with the same provisions offered to full time employees.

If an elected official declines medical coverage, he or she shall be entitled to the declination payment as outlined in the CSEA contract.

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

APPROVE HIRING HAROFF AUCTION & REALTY, INC.  
CONDUCT AN AUCTION OF TOWN OWNED PROPERTY ON SEPTEMBER 29, 2010  
RESOLUTION #394

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

WHEREAS, Resolution #324 of July 6, 2010 authorized the sale of 11 town owned properties acquired by foreclosure that were no longer needed by the town by sealed bid, and

WHEREAS, Resolution #325 of July 6, 2010 authorized the sale of unneeded town owned property located at 3147 Old Yorktown Road acquired by donation, and

WHEREAS, the sale of 3147 Old Yorktown Road is subject to a permissive referendum, and

WHEREAS, as part of a review of the 12 parcels identified in the above resolutions, on August 3, 2010, the Town Board decided to eliminate the following two parcels from the list of properties to be sold, parcel 37.14-1-74 and parcel 69.08-1-26.11, and

WHEREAS, the Town Board has determined that it has no need for an additional town owned parcel, 299 Lewis Ave, Yorktown Heights, NY 10598, acquired by foreclosure and that this property should also be sold, and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to have the following 11 parcels sold by a professional auctioneer at no cost to the town:

Tax Map ID

59.10-2-13	Starlight Rd
59.10-2-31	496 Vine Road
16.13-2-49	1281 Ivy Road

25.08-2-74	1569 Wenonah Trail
25.11-1-4	3050 Lexington Avenue
37.09-1-83	491 Fisher Pond Road
37.11-1-42	2285 Saw Mill River Road
48.18-2-37	586 Croton Heights Road
48.18-2-39	566 Croton Heights Road
17.09-1-41	299 Lewis Ave.
26.07-1-30	3147 Old Yorktown Road

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign a contract with Haroff Auction & Realty Inc., 100 Pine Lane, PO Box 71, Schroon Lake, NY 12870 and Absolute Auctions & Realty Inc., 45 South Avenue, PO Box 1739, Pleasant Valley NY 12569 to conduct a live auction in Town Hall on Wednesday, September 29, 2010 at 11 a.m. in Yorktown Town Hall, and

BE IT FURTHER RESOLVED, that the resolution authorizing the sale of 3147 Old Yorktown Road shall be subject to a permissive referendum.

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

MOSS PROPERTY  
563 UNDERHILL AVENUE

Town Attorney Koster stated that the Town Board directed her to return the deed for 563 Underhill Avenue. Mrs. Koster stated that the seller is not very happy with this decision and she is letting the Town Board know in case they would like to reconsider.

Councilman Bianco stated that the reason the Town did not close on this property was because there were some liens on the property. If there are no liens pending then we should revisit the issue of buying the property.

Supervisor Siegel stated that Water Distribution Superintendent David Rambo said that we did not need the property so why would we take property we don't need.

BANNERS FOR STREET FAIR  
RESOLUTION #395

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

RESOLVED that the Town Board approves the placement of banners for the October 9, 2010 Chamber Street Festival, of which the Town is a co-sponsor, at three locations; the corner of Route 202 and Commerce Street; the exit ramp of the Taconic State Parkway at Route 6, and the Yorktown Heights Firehouse on Commerce Street.

FURTHER RESOLVED, the banners shall be placed September 1, 2010, and remain until October 11, 2010.

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

LEASE AGREEMENT WITH STC FIVE LLC  
FOR CELL TOWER ON SCOFIELD AVENUE - PERMISSIVE REFERENDUM  
RESOLUTION #396

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

WHEREAS, Town Board Resolution #423 adopted on December 15, 2009, authorized the Supervisor to enter into a lease extension agreement with STC Five LLC for the cell tower located on Scofield (Woodland) Avenue; and

WHEREAS, said lease agreement is subject to a permissive referendum;

RESOLVED the Town Board directs the Town Clerk to publish and post such resolution within ten (10) days from the date hereof in accordance with Town Law.

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

LEASE EXTENSION AGREEMENT – STC FIVE LLC FOR CELL TOWER ON DARBY STREET - PERMISSIVE REFERENDUM  
RESOLUTION #397

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

WHEREAS, Town Board Resolution #383 adopted on November 17, 2009, authorized the Supervisor to enter into a lease extension agreement with STC Five LLC for the cell tower located at the Water Department site on Darby Street; and

WHEREAS, said lease agreement is subject to a permissive referendum;

RESOLVED the Town Board directs the Town Clerk to publish and post such resolution within ten (10) days from the date hereof in accordance with Town Law.

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

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Murphy, to move into Executive Session for the purpose of discussing the employment of particular individuals and litigation.

\*\*\*OPEN SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to go into open session and had the following discussions:

Police Staffing

Police Chief Dan McMahon reported that beginning October 1<sup>st</sup>, a dispatcher will be out for 12 weeks maternity leave and that it would cost an estimated \$8,000 a month in overtime to fill the temporary vacancy. As an alternative, he proposed that a new police officer be hired, to begin employment as soon after October 1<sup>st</sup> as possible, and that the officer be assigned as a dispatcher for 90 days before being assigned to the police academy. If the dispatcher does not return to work after her leave, then the civil service list will be canvassed for a replacement.

The Chief also advised the board that one officer had advised the department of his plans to retire at the end of December.

Supervisor Siegel pointed out that by agreeing to the above hiring plan, the board would be hiring a new officer in 2010 despite having told the chief at a recent meeting that it was not prepared to bring on a new officer this year to fill either of the two vacancies created by a retirement and a resignation. Councilman Bianco added that there was actually one vacancy as the money for one police officer had been used to hire a fire inspector.

She pointed out that if the officer scheduled to retire at the end of the year did not actually retire, then the board would have actually added an officer despite its previous decision not to hire one. She requested that the chief get a letter from the officer stating his intention to

retire by the end of the year, although it was acknowledged that the letter could not be binding on the officer.

#### Legal Budget

Councilman Martorano asked Town Attorney Jeannette Koster to prepare an analysis of whether hiring a second attorney next year would make sense and either be financially neutral or save the town money. Ms. Koster said she would include the information in her budget request.

#### Local Law Revising Chapter 15 of the Code of Yorktown

Ms. Koster told the board that Town Clerk Alice Roker had advised her that the wrong version of the new Chapter 15 (Building Code Administration) had been filed with Albany. She wasn't sure what the differences were between the actual final version and the one submitted and whether they were major or minor differences. There was a discussion about who should be submitting proposed laws to the clerk's office: the supervisor's office or the attorney's office.

#### Budget Meeting date

There was a discussion about the all day schedule for the November 12<sup>th</sup> budget meeting with department heads. Councilman Bianco said he had not been informed that the meeting would begin at 9am and that he would be not able to attend the meeting that early. Supervisor Siegel said that she had informed the board of the proposed earlier starting date asking board members to get back to her if anyone had a problem with the 9am starting time. As no one responded to her email, she assumed that everyone was okay with the time. Councilman Bianco felt that the starting time should have been discussed at a work session and not by email.

#### ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
Town of Yorktown

\*\*\* Open Session Minutes taken by Supervisor Susan Siegel