

Regular meeting held by the Town Board,
Town of Yorktown on May 18, 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

EXECUTIVE SESSION

Councilman Patel motioned, seconded by Councilman Murphy, to move into Executive Session to discuss a real estate transaction, contracts and litigation.

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Eagle Scout Robin Wilson 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 began by asking Councilman Martorano to speak about Mrs. Joan Valenstein who passed away last week.

Councilman Martorano stated that Mrs. Valenstein was an incredible person, she was one of a kind. Mrs. Valenstein helped start Red Ribbon Week, a drug awareness week for youth in the Town of Yorktown. She was also one of the founders of Community Day which was held this past Saturday. People paid tribute to Mrs. Valenstein by wearing red ribbons and observing a moment of silence in her honor. Councilman Martorano also spoke about her work with the Alliance for Safe Kids (ASK), a group that helps young people make safe choices. He spoke about their first project together, an intergenerational center at the Yorktown Community and Cultural Center. Councilman Martorano ended his tribute to Mrs. Valenstein by stating that the Town Board will be working with Mrs. Valenstein's family to hold another memorial service at Yorktown Stage in the near future.

Supervisor Siegel stated that today, May 18th is Budget Vote Day. In the Lakeland School District, there are three seats for school board members, as well as the budget on the ballot. In the Yorktown School District, the budget is on the ballot, there are no contested seat races. Supervisor Siegel reported that the Town Board at its last work session approved moving forward with the purchase of a new HVAC system for the John C. Hart Library. The estimated cost of this system is \$475,000. The cost will be borne in part by surplus Library funds as well as grants and going out to borrow. Supervisor Siegel also stated that the Town Board has sent a letter to New York State requesting that they pay the cost of removing asbestos from their buildings at Trump State Park. Representatives of the New York State Department of Transportation will return to Yorktown with conceptual plans for its construction projects on Route 202 at Pine Grove Court, the Bear Mountain Parkway and Stony Street. The meeting will be held on June 30th at 7:00PM in the Nutrition Center located at the Yorktown Community and Cultural Center. Supervisor Siegel spoke about maintenance problems at the Patriot Skate Park.

Earlier this week, the custodian at Town Hall told her that the park was an unbelievable mess. A fire was started inside the park, plastic was cut up, pieces of equipment were also broken and it appeared that someone tried to make additional ramps out of skids from the Meadows Farm Market. The Supervisor stated that she didn't want to close the park. She is asking for help from the community. The Town Comptroller also provided the members of the Town Board with a financial update at the last work session. The unreserved fund balance is \$2.6 million. The Town Board will take \$300,000 out of that money for senior programs. Supervisor Siegel stated that there has been a 24% increase in unpaid taxes. The Town is owed more than \$800,000 by property owners. The total amount of taxes that is over due to Yorktown is \$4.2 million. The Town will be starting an aggressive program to recoup that money. The Town also received its first payment for sales tax which was \$29,000 more than what was budgeted. We will not know about the mortgage tax until June. Supervisor Siegel spoke about various ways her administration is helping to reduce costs, including taking part in a new program that will reduce the cost of telephone service by \$4,800.

DURING THEIR REPORTS TO THE TOWN, Councilman Bianco stated that the 29% increase in overdue taxes is largely due to one entity, Trump Park Residences on Barger Street.

Councilman Patel stated that Community Day was a great success. Last night, he attended Yorktown High School's National Honor Society's Award Program. He congratulated all of the participants.

Councilman Murphy reiterated Supervisor Siegel's comments on the Skate Park. He stated that lots of effort went into getting this park, which he said is being destroyed.

Supervisor Siegel added that Yorktown Plant-In is June 23rd everyone will meet at the Yorktown Community and Cultural Center at 8:00AM.

COURTESY OF THE FLOOR

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

Robin Wilson, the Eagle Scout who led the Pledge of Allegiance this evening explained that he is from Troop 267. The project that won him his Eagle Scout Badge was the renovation of a church in White Plains. He spent 504 hours on this project.

Mr. Robert Giordano, a representative of the Christopher Columbus Society presented prizes won by participants in their First Annual Pizza Pie Contest. More than one hundred people attended the contest which was held at the Peter Pratt Inn in March. The President of the Christopher Society handed prizes to representatives of Buoni Amici Pizzeria in Shrub Oak who was voted #1 by the judges and #2 by the public. Rated #1 by the public and #3 by the judges was Three Brothers Pizzeria (Gaudio's). Rated #2 by the Judges was Turcos. Rated #3 by the public was Yorktown Pizza and Pasta.

Mrs. Robin Stettmisch continued her discussion from the last Town Board meeting relating to feral cats. She stated that she is concerned about the health and safety of her three young children. The rabid raccoon which clawed her neighbor could have clawed her children. Mrs. Stettmisch read a story from an Orlando newspaper concerning a feral cat who attacked people who were trying to help him after he was hit by a car. The Florida Health Department theorizes that the disease could have been spread at feeding areas. She reiterated that none of the cats that received the initial rabies shot have received the yearly booster. Mrs. Stettmisch stated that the life expectancy of a feral cat is 10 years. There are 15 feral cat colonies in the Town of Yorktown. It may be too late now that the Town Board has decided to give these cats boosters. The Town needs to test any cat that is found dead. She ended by stating that the Town of Yorktown needs to adopt local laws pertaining to feral cats.

Mrs. Linda Gironda, one of the original skateboard moms stated that the park has been a wonderful addition to our community. She drives by daily and observes 20-30 kids in the park who have adopted a skateboard code of conduct when it comes to being in the park. Mrs. Gironda further stated that this is a very successful teen center. After speaking to Supervisor Siegel about the problems, she went to the skate park last night and explained those issues to the young people. What she would like to do is to put a committee together made up of parents as well as skate boarders to come up with solutions to our problems.

Mr. Ken Belfer stating that he was speaking as a representative of the Mohegan Improvement District. He spoke about last weekend's cleanup at the Holland Sporting Club. The cleanup involved local property owners and Councilman Patel. Mr. Belfer made several requests of the Town Board including getting the asbestos in the buildings removed so that they could be taken down, create a way to block off the cul-de-sac and have a greater police presence in the area.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to some of the comments:

Mrs. Stettmisch was told that her office did make follow-up telephone calls to several veterinarians and the Westchester County Health Department. They were told that testing an animal would cost about \$100. She will continue to pursue the issue. She thanked Mrs. Gironda for her suggestions and welcomes others who would like to be a part of this committee. She said we must come up with a way for the skate boarders to police themselves. Supervisor Siegel thanked Mr. Belfer and his community for the work done at the Holland Sporting Club. The Town Board voted several weeks ago to pay for the removal of the asbestos in these buildings. The Supervisor also stated that she would refer a part of the request to the Traffic Committee.

Councilman Patel thanked Mrs. Gironda for her recommendation and stated that he would like to be on the committee.

Councilman Martorano stated that it would be a shame that after all of the hard work to get the Skate Park built to see what was done at it. He agreed that the asbestos had to be removed from the Holland Sporting Club. He thanked Mrs. Stettmisch for her emails informing the Board of other areas which had problems with feral cats. Councilman Martorano stated that if we find a dead animal, we should investigate the carcass.

Councilman Murphy reiterated that the Town Board did authorize the expenditure of money to remove asbestos at the Holland Sporting Club.

PRESENTATION

Supervisor Siegel introduced Arbina Camaj, an eight grade student at Mildred Strange Middle School in Yorktown. Ms. Camaj was chosen Westchester County winner of the Con Edison Yankees Kids Program.

Arbina Camaj said being chosen as winner of this contest was the best experience of her life. She and her family were treated to a luxury box at Yankee Stadium with dinner included. All of the winners took part in a presentation on the field before the start of the game and they were introduced to one of the Yankee players. Ms. Camaj thanked her family, Con Edison, Linda Grimm, Principal of Mildred Strange Junior High School as well as the Town Board.

Mrs. Linda Grimm stated that Arbina was chosen because she is a wonderful role model for all of our students. If there is anything that needs to be done, Arbina always steps up to the plate to help. She ended by stating that Arbina Camaj is an eighth grader who believes that acts of kindness do make a difference.

PROCLAMATION

Supervisor Siegel read the following proclamation:

WHEREAS, a Community draws its spirits, strength and values from the concern and commitment of all the individuals serving within its boundaries, a strength measured in community commitment and pride that has enabled Yorktown to grow and prosper; and

WHEREAS, Arbina Camaj, a student at Mildred E. Strang Middle School, has been chosen to represent Westchester County as the 2010 Con Edison/ New York Yankees Kid; and

WHEREAS, the Town acknowledges that Arbina Camaj is an honor student and demonstrates values of service, honesty, concern, courtesy, excellence, teamwork, leadership and sportsmanship and is a role model for her peers; and

NOW, THEREFORE, BE IT RESOLVED, that I, Susan Siegel, along with the Town Board, express our thanks to Arbina Camaj for her many contributions to her school and the community and offer our congratulations on this special occasion of her being chosen:

“2010 Con Edison/ New York Yankees Kid”

PRESENTATION

A video presentation was made by Police Officer Michael Kahn with the help of Yorktown Planning Director John Tegeder on the need for people to be aware of the history of Westchester County especially, the Town of Yorktown.

The 1st Rhode Island Regiment was quartered at the Davenport House on Croton Heights Road. This was the site of a major battle between the patriots and loyalists. The Davenport House with its strategic location also doubled as a command post under the direct orders of General George Washington. The battle at the Davenport House happened after sunrise, with a westerly attack by Colonel James De Lancey’s Loyalists troops, Lt. Colonel Christopher Greene and the Continental Army were only able to fire a few shots before they were overrun and Colonel Greene was killed.

Mr. Kahn hopes to have a bronze sculpture commemorating the 1st Rhode Island Regiment commissioned and placed at the intersection of Routes 100 and 118. The approximate cost is \$100,000.

COMPREHENSIVE PLAN FORUM

A representative of Carbone and Associates will be providing verbatim coverage of this forum. A copy of the transcript will be on file in the Town Clerk’s Office. At the close of the forum, Supervisor Siegel stated that written comments must be submitted to the Town by the close of business on May 25, 2010. The Town Board will then consider all comments and submit a new finding statement at the July 15, 2010 Town Board Meeting.

PUBLIC HEARING

PROPOSED LOCAL LAW REPEALING AND REENACTING CHAPTER 168 OF THE CODE ENTITLED “FEES”

Supervisor Siegel reconvened 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. She reiterated the purpose of the law; currently, 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 these outside counsel were hired was to charge their services back to the applicant. Supervisor Siegel stated that she did an analysis of the professional fees charged last year.

42% of the applicants were charged for less than one hour of the professional consultant’s time, 54% for less than two hours. 65% of the applicants have had bills for \$750 for three

hours. Only two applicants were billed in excess of \$10,000, St. George's Winery and the Mongero property at Route 118 which have a complexity to it because of the AT&T fiber optic cable. She further stated that the Town cannot always rely on the applicant's consultant. We need to have an independent review.

Mr. Ray Arnold stated that he believes this amendment is based upon the Town Board's perceived needs. He spoke about the fact that the fees for a particular applicant cannot always be found in one section of the code. There are more than one hundred sections of the code which includes fees. He further stated that he believes it would not be in the Town's best interest to have all fees placed together.

Supervisor Siegel read a letter from the Yorktown Chamber of Commerce written by Mr. Aaron Bock. He writes, the Chamber strongly opposes the proposed Article II which enables the Town to recoup professional consultant review fees from applicants. This imposes a new and unnecessary financial burden upon our community, without limit or oversight.

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. Followed by a ten day comment period.

Supervisor Siegel stated that she did meet with members of the Chamber of Commerce to discuss this issue.

Councilman Bianco stated that there is a law on the books which allows for the recoupment of these fees. The current law might just need clarification. He did not see a reason for a new law.

Councilman Martorano stated that he thinks the law is a mistake. He spoke about the dismantling of the legal department. Councilman Martorano stated that he thinks this is an open ended bill with no checks and balances. He further stated that this raises the whole issue of what government is all about. The Councilman said he believes the remedy is to have a full time legal department. This proposal has no review or no appeal process associated with it.

Councilman Murphy stated that this proposal represents a double edge sword for him. As a business owner, he would not want to give a lawyer a blank check book. As a Town Board member, he does not want Town residents paying the bill for applicants.

Supervisor Siegel agreed that Town residents should not be paying bills for developers with large properties. She then compared the cost to hiring outside counsel to permanent employees. When the process started in 2008, the Town Board stated that with the new retainer for outside counsel, they must get authorization from the approving authority if the review process is more than two hours. The Town Board will address this subject at the next work session.

LOCAL LAW #3 of 2010
CHAPTER 45 ENTITLED "ETHICS"
RESOLUTION #229

Supervisor Siegel explained that the Town Board listened to the comments made at the last meeting and made the following changes; we have reduced the gift amount to \$100; we decided against including the civil penalty clause in the new law and if someone changes their political party during their time on the Ethics Board, we will have to deal with the situation at that time. She further stated that the Board has decided not to include the word lobbyist in the legislation. Supervisor Siegel read an e-mail from Mr. Fred Gulitz who stated that he believes the state limit on gifts which is \$75 should be adopted for the Town of Yorktown.

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

WHEREAS, a public hearing was held on the 4th day of May, 2010 pursuant to

notice duly published as required by law 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, now therefore be it

RESOLVED, that Local Law #3/2010, be and is hereby adopted.

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
Councilperson Martorano	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye

Local Law #3/2010 was thereupon declared adopted.

SET PUBLIC HEARING
SHAIKEN – EXCAVATION PERMIT
RESOLUTION #230

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 1st day of June, 2010 at 7:30 o'clock PM to consider the application of Andrew Shaiken for an Excavation Permit for property located on 363 Wooded Hill Court, Yorktown, New York. Described work: The approximate limit of disturbance is 25,000 Sq. Ft. for the construction of a swimming pool, pool cabana, tennis court and stormwater practices. All excavation material will remain on site.

A copy of said proposal is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

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

RETIREMENT
HARRY MACKAY – POLICE DEPARTMENT

The Town Board accepted with regret the retirement of Harry Mackay from the Police Department.

RESIGNATION
PATRICK KALEY – POLICE DEPARTMENT

The Town Board accepted with regret the resignation of Patrick Kaley from the Police Department.

BUDGET TRANSFERS 2010
RESOLUTION #231

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

BE IT RESOLVED, that the Town Board approves the following budget transfers:

2009 Budget Transfer:

Increase A 1002	Appropriated Fund Balance	\$170,907.58
Increase A 1420.443	Legal Settlement	\$170,907.58

To record the Adrian settlement to prior year.

2010 Budget Transfer:

Increase	A 1420.108	Legal Lump Sum	\$14,174.57
Decrease	A 1990.499	Contingency	\$14,174.57

To cover employee buy out at separation of service.

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT FOR THE WATER POLLUTION CONTROL PLANT
ROCKWELL AUTOMATION – LARGE FLAT PAD MANUFACTURING MACHINE
RESOLUTION #232

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

WHEREAS, the Water Pollution Control Upgrade Project included the installation of various equipment as listed on the attached Rockwell Automation Proposal’s hardware section; and

WHEREAS, to ensure reliable operations a service agreement for equipment maintenance by the manufacturer is required; NOW, THEREFORE BE IT

RESOLVED, that the Town Supervisor is authorized to enter into a preventative maintenance agreement with Rockwell Automation for the maintenance of the Large Flat Pad Manufacturing Machine, for a one-year term, for a total contract price of \$14,256.00.

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT FOR THE WATER POLLUTION CONTROL PLANT
SYNA-FLOW TECHNOLOGIES – CONTINENTAL BLOWERS
RESOLUTION #233

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

WHEREAS, the Water Pollution Control Plant Upgrade Project included the installation of two centrifugal blowers equipment; and

WHEREAS, to ensure reliable operations a service agreement for annual equipment maintenance by the manufacturer is required; NOW, THEREFORE BE IT

RESOLVED, that the Town Supervisor is authorized to execute a one-year service agreement dated April 19, 2010 with Syna-Flow Technologies, in the amount of \$3,980.00, which includes two 2-day bi-annual inspections.

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT FOR THE WATER POLLUTION CONTROL PLANT
SIEMENS WATER TECHNOLOGIES – MICROFILTRATION MEMBRANES
RESOLUTION #234

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

WHEREAS, the Water Pollution Control Plant Upgrade Project included the installation of Memcor Membrane Filtration system and associated equipment; and

WHEREAS, to ensure reliable operations a service agreement for equipment maintenance by the manufacturer is required; NOW, THEREFORE BE IT

RESOLVED, that the Town Supervisor is authorized to execute a one-year service agreement number GECYTH032609-00 with Siemens Water Technologies in the amount of \$18,000.00.

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

AUTHORIZE SUPERVISOR TO SIGN
AGREEMENT FOR THE WATER POLLUTION CONTROL PLANT
HO PENN – MAINTENANCE OF SEWER & WATER TREATMENT PLANT
EQUIPMENT
RESOLUTION #235

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

WHEREAS, the Water Pollution Control Plant has sewer & water treatment pump stations needing preventative maintenance; and

WHEREAS, to ensure reliable operations, a service agreement for equipment maintenance by the manufacturer is required; NOW, THEREFORE BE IT

RESOLVED, that the Town Supervisor is authorized to enter into a preventative maintenance renewal agreements with H.O. Penn for the maintenance of sewer & water treatment plant equipment, twelve agreements for a one-year term for a total contract price of \$24,775.00.

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

RELEASE LANDSCAPE BOND
RESOLUTION #236

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

WHEREAS, Hudson Valley Home Builders, as applicant, heretofore filed Landscape Bond #2336, in the amount of \$300.00, for Lot #13 on Hunterbrook Road, which was deposited into the T-30 Account on December 17, 2007; and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released; NOW, THEREFORE BE IT

RESOLVED, that Landscape Bond #2336, on Hunterbrook Road, in the amount of \$300.00 be and is hereby released to Hudson Valley Home Builders, 513 Washington Street, Peekskill, NY 10566.

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

REQUEST TO ADD PARCEL TO WESTCHESTER COUNTY PEEKSKILL
SANITARY SEWER DISTRICT
16.19-1-60 – 3323 BEAVER DRIVE
RESOLUTION #237

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

WHEREAS, the Town of Yorktown Town Board is desirous of including 1 parcel of land into the existing Peekskill Sanitary Sewer District; NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate parcel 16.19-1-60 (3323 Beaver Drive – Donow) into the Peekskill Sanitary Sewer District.

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

AUTHORIZE ATTENDANCE
MIKE MILL – ENGINEERING/SEWER DEPARTMENT
BASIC OPERATION OF WASTEWATER TREATMENT PLANTS
AT A COST OF \$650.00
RESOLUTION # 238

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

WHEREAS, the NYCDEP provides for training of wastewater personnel as part of the upgrade project and fully reimburses the Town of Yorktown for such expense; and

WHEREAS, the training includes for overnight stay and expenses; NOW, THEREFORE BE IT

RESOLVED, that Michael Mill of the Engineering/Sewer Department is authorized to attend the SUNY Morrisville Environmental Training Center for the Basic Operation of Wastewater Treatment Plants for a total cost of \$650.00 (course, estimated overnight stay and expenses).

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

AUTHORIZE SUPERVISOR TO SIGN
SNAP CONTRACT WITH WESTCHESTER COUNTY
FOR HOME DELIVERED MEALS IN THE AMOUNT OF \$9,263.00
RESOLUTION #239

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Westchester County for Supplemental Nutrition Assistance Program (SNAP), for the provision of nutrition services to seniors through NYS Office for the Aging grant funds provided by Westchester County.

FURTHER RESOLVED, the contract amount is \$9,263.00 and the term is April 1, 2010 through March 31, 2011.

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

AUTHORIZE SUPERVISOR TO SIGN
GRANT AGREEMENT BETWEEN NY POWER AUTHORITY AND TOWN OF
YORKTOWN FOR \$90,000.00 INSTALLATION OF SOLAR PHOTOVOLTAICS, NO
MATCH REQUIREMENT
RESOLUTION #240

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

WHEREAS, the Town of Yorktown has been awarded a \$90,000.00 grant from the Power Authority of the State of New York (NYPA) for the installation of photovoltaic solar panels on Town buildings; and

WHEREAS, the program requires grant recipients to enter a contract with the NYPA to participate in the program, but does not require any matching funds to be expended by the Town; THEREFORE,

BE IT HEREBY RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute a contract with the New York State Power Authority for the purpose of installing energy efficiency measures utilizing Petroleum Overcharge Restitution Funds (POCR) as a recipient of a \$90,000.00 grant.

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

AMEND RESOLUTION #227

DATED MAY 4, 2010 AWARDED CAMP BUS BID TO ROYAL COACH LINES, INC.

RESOLUTION #241

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

WHEREAS, at the Town Board meeting on May 4, 2010, the Town Board awarded Section I and Section II of the Camp Bus Bid to Royal Coach Lines, Inc.;

WHEREAS, Quality Bus Lines Inc. is the actual business name on the non-collusion statement of the bid document; so

THEREFORE BE IT RESOLVED, the Town Board awards Section I and Section II of the Camp Bus Bid to Quality Bus Lines, Inc.

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

CREATION OF STORMWATER ADVISORY COMMITTEE

RESOLUTION #242

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

WHEREAS, the Town Board of the Town of Yorktown hereby wishes to establish an advisory committee to the Town Board with regard to stormwater to oversee the Town's stormwater municipal separate storm sewer system (MS4) requirements; and

WHEREAS, attached to this resolution and incorporated herein is a Statement of Purpose of the Stormwater Committee;

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Town Board hereby establishes an advisory committee to the Town Board and shall be known as the Stormwater Committee.
2. The Stormwater Committee shall carry out the purposes as set forth in the Statement of Purpose.
3. The membership of the Stormwater Committee shall be comprised of the following members:
 - Town Engineer
 - Town Highway Superintendent
 - Town Stormwater Consultant
 - Town Building Inspector
 - Town Stormwater Management Officer
 - Two volunteer residents of the Town of Yorktown as may be appointed by the Town Board. Such volunteers will serve three years.

4. The Town Board may authorize and budget for such expenses of Stormwater Committee as may be necessary and proper.
5. Meetings of the Stormwater Committee shall be held as such committee may determine, from time to time. Notice of such meeting shall be posted and published in accordance with the Open Meetings Law of the State of New York.
6. The Stormwater Committee shall choose a chairperson from its members.
7. Determinations and actions by Stormwater Committee shall be made by majority vote. A quorum shall consist of four members of the Stormwater Committee.
8. The Stormwater Committee shall report to the Town Board on its activities at least semi-annually.

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

APPOINTMENT OF MEMBERS TO STORMWATER ADVISORY COMMITTEE
RESOLUTION #243

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

BE IT RESOLVED, that Kenneth Belfer is hereby appointed as a member to the Storm Water Advisory Committee for a three year period expiring on May 18, 2013.

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

APPOINTMENT OF MEMBERS TO STORMWATER ADVISORY COMMITTEE
RESOLUTION #244

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

BE IT RESOLVED, that Denis Horbatuk hereby appointed as a member to the Storm Water Advisory Committee for a three year period expiring on May 18, 2013.

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

HEMLOCK HILL FARMS
RESOLUTION #245

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

WHEREAS, the Town Board issued a resolution on April 8, 2008, authorizing the Supervisor to enter into discussions with the County to facilitate the preparation of an Intermunicipal Agreement (IMA) between the County and the Town of Yorktown, in connection with the County's intended purchase of a conservation easement on the property known as Hemlock Hill Farm, located astride the border of the Town of Yorktown and the Town of Cortlandt; and

WHEREAS, the Town wishes to assist in preserving and protecting Hemlock Hill Farm as open space and to ensure Hemlock Hill Farm continues as viable agricultural farmland; so, therefore be it

RESOLVED, that the Supervisor is hereby authorized to enter into an Intermunicipal agreement between the County of Westchester and the Town of Yorktown, whereby the Town agrees to contribute an amount not to exceed Two Hundred Twenty-Six Thousand, Sixty-Three (\$226,063.00) Dollars towards the acquisition costs of a conservation easement to be purchased by the County from the owners of Hemlock Hill Farm.

FURTHER RESOLVED, the funds for the Town's contribution shall come from the Open Space Fund. The term of the IMA is from the date of execution of the IMA until July 31, 2010.

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

MICHAEL DUBOVSKY
RESOLUTION #246

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

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into a renewal contract with Michael Dubovsky for Environmental Code Inspector services. The term of the renewal agreement shall begin May 19, 2010 and end October 15, 2010, and compensation for said services shall be payable in bi-weekly installments of Seven Hundred Ninety-Seven Dollars and Fifteen Cents (\$797.15).

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

REFUND DUPLICATE TAX PAYMENTS
RESOLUTION #247

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:
2010 Town/Cty	37.15-1-48	\$4,102.91	Esquire Land Services, LLC One Paragon Drive, Ste. 212 Montvale, NJ 07645
2009 Town/Cty	6.18-1-64	\$3,472.06	Chase Home Finance Mail Code OH4-7326 3415 Vision Drive Columbus, OH 43219
2010 Town/Cty	48.18-1-20	\$4,530.33	Anthony Smith 505 Revere Drive Yorktown Heights, NY 10598
2009 Sch 22	48.18-1-20	\$4,800.44	Anthony Smith 505 Revere Drive Yorktown Heights, NY 10598

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

REFUND FROM THE NORTHERN WESTCHESTER JOINT WATER WORKS
3209 LAKEFRONT AVENUE - \$2,867.25
RESOLUTION #248

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

RESOLVED, that the Town Board authorizes a refund of \$2,867.25, account # 41-02643209, for incorrect billing of water at 3209 Lakefront Ave., Mohegan Lake, since July 5, 2007, due to an incorrect meter size installed.

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

MONTHLY REPORTS

Building Department
Receiver of Taxes (3)

COURTESY OF THE FLOOR

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

Mrs. Robin Stettmisch spoke about the fifteen neighbors that the Animal Control Officer has found feral cat colonies in. She further stated that she has met with Supervisor Siegel. She wondered if anyone on the Town Board was listening to her.

Mr. Steve Gardner read an article from the Yorktown Examiner which talked about expenses incurred by the Highway Superintendent when he was working on the Legacy Ball Field. He further stated that he has always disagreed on whether or not the Highway Superintendent should have been in charge of the project. He suggested that the Town Board hire a Clerk of the Works to oversee the project. He wanted to know what the effect this ball field will have on the taxpayer?

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to questions and comments stating:

Supervisor Siegel told Mrs. Stettmisch that she was aware that there were feral cat colonies in other neighborhoods. But, she stated that your neighborhood is the only one where there is a continuing problem.

Supervisor Siegel told Mr. Gardner that the Town has been laying out money for the Legacy Ball Field to do excavation work and for tree removal work. At the time the location was approved by the Board, it was agreed that the money would come out of the Trust and Agency Account. The Highway Superintendent has presented the Town Board with a bill for \$23,000 which was to cover some expenses from 2008 and 2009. We are still in discussions with the Highway Superintendent.

Councilman Bianco stated that he and Councilman Martorano always knew this location would cost more. We had to remove more than 7,000 trees from that area. Councilman Bianco further stated that he believed the appropriate location for this ball field was Route 202. Former Supervisor Linda Cooper stated that if we put it there and then the State Department of Transportation built the extension to the Bear Mountain Parkway, it would run through left field.

Councilman Patel disagreed with Councilman Bianco on the number of trees which were taken down.

Councilman Martorano assured Mrs. Stettmisch that the Town Board was listening to her and was doing all it could do.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss litigation.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown