

Work Session held by the Town Board, Town of Yorktown on May 25, 2010. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Absent: Nicholas J. Bianco, Councilman

#### EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of a particular person and litigation.

#### WORK SESSION

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

#### WATER DEPARTMENT

Water Distribution Superintendent David Rambo was present to discuss with the Town Board a request to go out to bid for Water Maintenance Materials. He explained that if the Town had a bid for all the water maintenance materials needed by the Water Department it would be more efficient and less time consuming for department staff. There has not been a need until now because there was an overstock. The Town Board agreed to place this on the next agenda.

Mr. Rambo requested that the Town Board approve a Leak Detection Survey on the Town's 170 miles of water mains at a cost of \$19,890. The Town Board agreed to place this issue on the next agenda.

Supervisor Siegel stated that there is a five bay garage located at the Water Department and the Highway Superintendent is saying that it is the Highway Department's garage. Currently it is being used entirely by the Highway Department.

Superintendent Rambo stated that his research has shown that this garage was to be used by both the Highway and Water Departments.

Highway Superintendent Eric DiBartolo stated that this garage was paid with Highway Funds and it belongs to the Highway Department.

Mr. Rambo would like to go back to a previous arrangement where the Highway Department had use of two bays from January to March and the Water Department would have use the rest of the time.

Mr. Rambo noted that the Water Department has paid the electric, heat and for all repairs to this building for many years. Mr. Rambo also has a concern with having the Highway Salt Brine System so close to a waterway area.

Councilman Murphy suggested setting up a meeting with himself, Councilman Bianco, Water Superintendent David Rambo and Highway Superintendent Eric DiBartolo to see if an agreeable joint arrangement can be made. The Town Board agreed.

Councilman Martorano stated that we need to work together and feels both department heads can come to an agreement.

TREE ORDINANCE

Supervisor Siegel stated that she does not have a finished draft yet but would like to give the Town Board an update. Members of the Tree Commission were present to discuss some of the particulars of the proposed local law.

Supervisor Siegel explained that the buffer areas would be different depending on how much property you own.

Supervisor Siegel is proposing a fee of \$15 which is an application fee.

Councilman Martorano does not want to impose any fees.

Councilman Murphy feels that a \$15 fee is reasonable.

Mrs. Ann Kutter stated that the fees can go into a fund for the Community Forest Preservation Plan which would identify areas within the Town that need tree plantings and the money can come from this fund.

Town Attorney Koster stated that she would have to research this to see if the Town can create a Community Forest Preservation Fund.

Supervisor Siegel stated that this should be ready to advertise for a public hearing in July.

MASTER FEE SCHEDULE

Supervisor Siegel gave an update on the proposed local law regarding the Master Fee Schedule. She explained that the reason for this fee is for bringing in consultants when the need for review is outside the job scope and expertise of Town employees.

Councilman Martorano stated that he does not agree. The reason why we have consultant services is because we have been outsourcing more and more what government has done in the past and it is possible to continue outsourcing and have no people left on staff in which case we will have to charge people for everything we do. I think we are being irresponsible in outsourcing all our services. That is the core of it and the problem with it.

Councilman Murphy stated that this is an open ended checkbook.

Supervisor Siegel stated that the Planning Board suggested language be added that makes the applicant aware of the cost associated with the professional review process.

Councilman Martorano suggested setting up an escrow account which has an average amount of money placed in it. If it goes beyond that amount then the Town would take care of it.

Planning Director John Tegeder stated that the problem with this is that the projects can vary greatly in scope from very minor to huge projects. I think what you end up talking about is the legal fees.

Councilman Martorano stated that he is concerned about the outsourcing of legal fees.

Planning Director John Tegeder stated that you should have a check and balance that you can go back to.

Supervisor Siegel stated that the taxpayers are laying out the money for the benefit of specific applicants who have a vested interest in getting approval of their project.

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Councilman Martorano stated that developers are taxpayers and should not be penalized. The Town should be providing these services and if we had a full-time in-house Counsel we would not have this problem.

Supervisor Siegel stated that she will work with Planning Director John Tegeder and try to come up with something that everyone can agree on.

#### LEGACY FIELD VANDALISM

Supervisor Siegel discussed with the Town Board the possibility of offering a reward for information regarding the vandalism that took place at the Woodlands Legacy Field to Town vehicles and equipment. The Town Board did not agree to offer an award.

#### REQUEST FOR PROPOSALS (RFP'S) RISK ASSESSMENT MANAGER

Supervisor Siegel discussed with the Town Board the Risk Manager RFP's. The Town received four responses to the Request for Proposals.

Supervisor Siegel stated that the Risk Assessment Manager would come in and look at the Town's insurance policies both Liability and Workers Compensation to see if we are over or under insured in certain areas.

Supervisor Siegel stated that it is a best management practice every so often to have an objective look at what you are doing and see if you have the right mix of policies.

Councilman Martorano stated that over a period of time you learn to trust someone and Mr. Spadaccia has worked for the Town for twenty years and has always given us good advice. Personally, there is no need to do this.

Supervisor Siegel feels that it is a good idea to have someone come in and take a look at the Town's insurance policies.

Councilman Martorano asked the Town's Insurance Broker Mr. Robert Spadaccia to participate in this discussion.

Councilman Martorano asked Mr. Spadaccia what his feelings were with regards to hiring a Risk Assessment Manager to review insurance policies.

Mr. Spadaccia explained that the savings achieved last year had nothing to do with competition. He goes out to bid each year. He asked if we are talking about risk assessment or pre-insurance bid process.

Supervisor Siegel stated that this is a pre-insurance bid process.

Mr. Spadaccia stated that the real issue is if it is a risk assessment and he has no problem with anyone coming in and taking a second look at what your risk and exposures are. But that is not a review of the insurance policies any broker can do that. He stated that it would be a waste of time and money to have someone come in to review your insurance policies.

Supervisor Siegel would like to bring in a representative from each of the four proposals and have the Town Board interview them.

Mr. Spadaccia stated with all due respect you are doing it backwards. You have to see what your risks and exposures are and then based on that information you purchase your insurance to cover those risks and exposures.

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Councilman Murphy does not want to spend money on this when it has already been done.

Councilman Martorano asked Mr. Spadaccia to come in and do a presentation of the Town's insurance policies at a future work session. The Town Board agreed.

#### INTERNET POLICY

Supervisor Siegel discussed with the Town Board the need for a Town Employee Internet Use Policy. The Town Board agreed to place this issue on the June 1, 2010 agenda.

#### COMMERCIAL VEHICLE PARKING

Supervisor Siegel reviewed with the Town Board the final amendments to the Commercial Vehicle Parking Law. The Town Board agreed to place this issue on the June 1, 2010 agenda.

#### CODE REVISIONS

Supervisor Siegel would like to hire Raymond Arnold to do a comprehensive review of the Town Code at a cost of \$5,000 to be paid half in 2010 and half in 2011. The Town board agreed to place this on the June 1, 2010 agenda.

#### CREATIVE LIVING DEVELOPMENT

Supervisor Siegel discussed the application from Creative Living Development for a Wetlands/Excavation Permit for construction of temporary multi-purpose athletic fields off Navajo Street. The Town Board agreed to advertise for a Public Hearing on June 15, 2010.

#### CORNER CAR CARE

Supervisor Siegel discussed Corner Car Care's Special Use Permit Application for property located on Route 6 and Lexington Avenue. The Town Board agreed to advertise for a Public Hearing on June 15, 2010.

#### COMPUTER PURCHASE

Supervisor Siegel reviewed the annual computer purchase bid with the Town Board. The Town Board agreed to advertise the bid on the June 1, 2010 agenda.

#### LIBRARY BOILER

Supervisor Siegel updated the Town Board along with Acting Town Engineer Sharon Robinson about the John C. Hart Memorial Library Boiler System. Mrs. Robinson explained that Con Edison is putting in a gas line in front of the Library and this gives the Town the option of having a gas system instead of an oil system. She recommended transferring over to gas and removing the tank underground tank. There will be an increase in the cost of the project. The Town Board agreed to place this on the June 1, 2010 agenda.

#### ETHICS LAW

Supervisor Siegel explained that New York State Law requires an Ethics Board to have at least one member who is an elected or appointed town officer or employee. This was inadvertently left out of the recent repeal and reenactment of this Local Law which

was adopted by the Town Board on May 18, 2010. The Town Board agreed to place this on the June 1, 2010 agenda.

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EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of a particular person.

TOWN BOARD AGENDA

JUNE 1, 2010

The Town Board discussed the June 1, 2010 Town Board meeting agenda.

ADJOURN

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

Diana L. Quast  
Deputy Town Clerk  
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