

Work Session held by the Town Board, Town of Yorktown on January 25, 2011. 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
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Supervisor Siegel motioned, seconded by Councilman Martorano, to move into Executive Session for the purpose of discussing CSEA Negotiations and Litigation. Upon motion made by Councilman Martorano, seconded by Councilman Bianco, the Town Board moved into the work session.

WORK SESSION

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

CROTON OVERLOOK - Anna Georgiou Esq, representing Wormser, Kiely Galef & Jacobs, Special Counsel to the Town Board, John Tegeder, Yorktown Planning Director, Kim Calandriello, a representative of the applicant, Croton Overlook, and David Steinmetz Esq., Attorney for the applicant were the main speakers in this discussion.

Ms. Georgiou provided the Town Board with a brief overview of the application which proposes to develop a 72 lot subdivision to facilitate the construction of a 55 and over active adult residential community. The project will consist of 70 residential fee simple units, one 44-acre lot dedicated to open space, and one lot for the wastewater treatment system with a subsurface infiltration area. The application seeks to rezone a 62.76 acre site which is currently zoned R-180, Single Family Residential to RSP-1 an Age Oriented Community.

The Town Board referred out the application and declared itself lead agency on August 3, 2010. An Environmental Assessment Form (EAS) and supplements were also given to the Town Board. On November 23, 2010, the Planning Board provided the Town Board with a detailed memorandum first giving the status of the application and background on the site. The letter concluded by outlining potential impacts that they say have not been sufficiently provided for. On December 6, 2010, Mr. Steinmetz responded to that memorandum

Ms. Georgiou stated that we believe that this should be a Type I Action under SEQRA, an action that is more likely to have adverse impacts on the environment. Ms. Georgiou read from a SEQRA handbooks which explains what the determining factors should be if the Board were to declare this a Type I Action and issue a Positive Declaration.

Mr. Tegeder read from the December memorandum, a list of adverse impacts that the Planning Board believes this development would have on the property.

Mr. Steinmetz refuted several comments made by Mr. Tegeder stating that the client's planner has supplied the information that the Planning Board requested.

Mr. Tegeder provided the Town Board with a list of projects that were given Positive Declarations under SEQRA including Fair Hills Farms, Pulte Homes, Yorktown Farms, Yorktown Realty, Wynwood Oaks and Costco.

The Town Board agreed that the applicant would receive a Positive Declaration at the next meeting of the Town Board and that a Scoping Session would be advertised for February 15, 2011.

ETHIC ISSUES - Mr. Richard Rubenstein, the Chairman of the Ethics Board provided the Town Board with an amendment to the Ethics Law and a new Ethics Disclosure Form. He further stated that the Ethics Board would like to receive complaints directly from the public. Mr. Rubenstein further stated that the Board already had the power to conduct investigations. The reason for the new form according to Mr. Rubenstein was because the old form was not worth the paper it was written on.

The Town Clerk stated that she felt that information requested in the new version of the Ethics Disclosure Statement amounted to an invasion of privacy.

She was asked to get a copy of the old disclosure form. When she returned to the room, the Board stated that it didn't need it because the Town Attorney had supplied them with one.

Councilman Bianco stated that the issue of sending complaints directly to the Ethics Board has come up a number of times. The Town Board has always agreed that the complaints should be sent to them first so that they could remove those with false allegations that are so often made during the time of elections to capture newspaper headlines.

Councilman Martorano agreed with Councilman Bianco.

Supervisor Siegel stated that the proposal should go to public hearing and if at that point the Board wants to remove that verbiage, we will.

Councilman Murphy agreed that the proposal should go to public hearing because he would like to hear what the other fifty people who will be effected by this law has to say.

A public hearing would be advertised for the new local law at the next Town Board meeting.

PARKS AND RECREATION DEPARTMENT RFP'S - Ms. Jennifer Fava, Superintendent of Parks and Recreation discussed three proposals, two concerning the refreshment concession at Junior Lake Pool, Shrub Oak Pool and the new Woodlands Legacy Pool. She also spoke about the proposal concerning Shallow Creek.

Councilman Bianco stated that the last time the Shallow Creek RFP came up for discussion, he asked for it to be tabled because it was being used as a practice field. He has since learned that it is not being used and has no problems with the proposal.

The Board agreed to place them on the next agenda for advertisement.

SIDEWALK SNOW REMOVAL - Residents living in the Mark Road area were present for this discussion.

Supervisor Siegel explained that the Highway Superintendent does return to remove the snow from these sidewalks that his department places on them during snow storms, but not within the 24 hour time frame prescribed by law. The Town Board has several options:

- a. Change the law and replace having to remove the snow in 24 hours to 48 hours,
- b. Change the last line of 216-10A to read 7:00AM to 7:00PM
- c. Change the law completely.

During the discussion, one councilman stated that the law doesn't fit all areas of the Town. The question of whether the Town Board could consider dismantling some of the sidewalks where they are clearly not appropriate. There are many different design types in sidewalks. The Board agreed that the Highway Superintendent who was unavailable tonight needs to be able to weigh in on this discussion.

REPLACING MAILBOXES DAMAGED DURING SNOW PLOWING

Supervisor Siegel brought up whether the current policy of having the Highway Superintendent purchase mailboxes from Home Depot and erect them in areas where they were knocked down should be changed.

Councilman Bianco stated that this issue has come up a number of times and does not have to be addressed again. Leave the policy the way it is.

The majority of the Board agreed with Councilman Bianco.

UTILITIES OVERSIGHT COMMITTEE - Dr. Podolak, Chairman, of the Committee read a statement, a copy of which is on file in the Town Clerk's Office.

Dr. Podolak handed the Town Board a draft copy of the Committee's Response to the Town of Yorktown Utilities Oversight Committee to the New York State Public Service Commission (PSC) Case 10-E-0155 and asked that they approve it tonight because it must be received by the PSC in less than a week.

YORKTOWN UTILITIES OVERSIGHT COMMITTEE
TO THE PUBLIC SERVICE COMMISSION
RESOLUTION #14

Upon motion made by Councilman Bianco, seconded by Councilman Patel

RESOLVED, that the Town Board of the Town of Yorktown supports the attached Response of the Town of Yorktown's Utilities Oversight Committee to the Public Service Commission (PSC) Case 10-E-0155 dated January 20, 2011.

FURTHER RESOLVED, the Town Board directs the Town Clerk to submit this resolution to the Public Service Commission for their consideration, and

BE IT FURTHER RESOLVED, that the Town Clerk shall also include a copy of the comments of the Town of Yorktown's Utilities Oversight Committee dated June 2, 2010, along with a pictorial file that were submitted to the Public Service Commission via electronic mail during June 2010. These comments were also supported by the Town Board of the Town of Yorktown.

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

TOWN COURT TRAFFIC TICKET PLAN - Yorktown Prosecutor Ingrid O'Brien joined this discussion.

Supervisor Siegel spoke about the Action Plan for Dealing with Town and State Traffic Tickets (Backlog and Current) written by Judge Lagonia. He and Judge Gilbert have both agreed to participate in additional court sessions.

Originally the Town Board hired the Town Prosecutor to handle two vehicle and traffic sessions per month. The judges have now agreed to add 7 daytime sessions to the court calendar.

The suggestion of allowing the Prosecutor to prosecute town traffic tickets was brought up. Police Officers currently prosecute these cases, often on overtime.

Judge Lagonia opposes not having the police prosecute their own tickets. We would also have to get a letter from the Westchester District Attorney in order to do this. The Board will speak about this issue with Ingrid further in closed session. There will also be a resolution on the next Town Board Meeting with regard to her agreement.

MERGER OF BUILDING/PLANNING AND ENGINEERING DEPARTMENTS

Supervisor Siegel began the discussion by stating that we have looked at several scenarios with regard to merging the above mentioned departments. We've looked at space at the YCCC, we've considered having them work in the trailer now occupied by the Parks and Recreation Staff at Sparkle Lake, and we have considered placing a modular structure behind this building.

Supervisor Siegel stated that she was able to get an architect from the Yorktown Chamber of Commerce to come up with a plan that will merge all of the above departments in Town Hall.

The Town Board members asked John Tegeder and Sharon Robinson what they thought of the plan.

Mr. Tegeder stated that this was the first time that he has ever looked at the document. His department appears to have lost 66% of the space that they now have. Sharon Robinson, the Town Engineer stated that the plan calls for her to lose space as well. The Town Attorney and her secretary would occupy space that is now the vault.

Supervisor Siegel stated that she was told that this project should cost approximately \$200,000.

Councilman Martorano asked her where she was going to get the money from?

Supervisor Siegel stated that we could go to bond since this is a capital improvement.

Sharon Robinson stated that she believes this proposed remodel would cost more than \$200,000 because the telephone wires for the building are in the area where you plan to put the Town Attorney. Removing telephone lines could drive up the cost substantially.

Supervisor Siegel and John Tegeder will continue to pursue this issue.

ADVERTISE BID

TITLE REPORTS FOR FORECLOSURE PROPERTIES

RESOLUTION #15

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Friday, February 11, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for conducting title searches and producing title reports on parcels subject to delinquent tax liens.

All bids must be accompanied by an executed non-collusion bidding certificate.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

The Town Board 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 of Yorktown.

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

BUDGET TRANSFER OF \$32,000 FOR FORECLOSURE ASSOCIATED COSTS
RESOLUTION #16

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

WHEREAS, as part of the foreclosure process, property title searches must be done,
and

WHEREAS, the estimated cost of said searches is \$32,000, now,

BE IT RESOLVED, the 2011 Budget is hereby increased by \$32,000, and the following line items shall be increased:

A1002	Appropriated Fund Balance	\$32,000
A1420.490	Legal Professional Services	\$32,000

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

LIGHTING AND FIELD USE FEES FOR WOODLANDS LEGACY FIELDS AND
ROUTE 202 BALL FIELDS
RESOLUTION #17

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

Resolved, that the hourly rate for field light use at the Route 202 Ballfield will be charged at a rate of \$17.00 per hour.

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

LIGHTING AND FIELD USE FEES FOR WOODLANDS LEGACY BALL FIELDS
RESOLUTION #18

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

Whereas, a resident is considered someone who resides within the town limits of Yorktown, and;

Whereas, the Resident Rate applies to groups with more than 75% residents, and

Whereas, the Non-Resident rate applies to groups with less than 75% residents,
Now, Be it:

Resolved, the hourly rate for field use for the Woodlands Legacy Ballfields is \$15.00 per hour for the Resident Rate and \$30.00 per hour for the Non-Resident Rate, Now, Be it:

Further Resolved, the hourly rate for field light use for the baseball field is \$10.00 per hour for the Resident Rate and \$20.00 per hour for the Non-Resident Rate; Now, Be it,

Further Resolved, the hourly rate for field light use for the all-purpose field is \$30.00 per hour for the Resident Rate and \$60.00 per hour for the Non-Resident Rate.

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

REVISE PRINTING BID AWARD FOR DEC POSTCARD MAILING
RESOLUTION #19

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

WHEREAS, an invitation to bid on eight Town printing projects was advertised on November 16, 2010, and bids were received and opened on December 10, 2010, and

WHEREAS, on January 4, 2011 the Town Board awarded the bid for eight printing projects to Chase Press, who was the lowest responsible bidder, and

WHEREAS, following established printing industry practices, specs were written based on quantities to be printed for each project, and

WHEREAS, the Town subsequently decided to make minor adjustments to the original specs and quantities provided and quoted in the bid process, and

WHEREAS, such changes requested by the Town necessitated adjustments to the quotes provided by Chase Press, and

WHEREAS, due to the time sensitive content of the ECD postcard project, it is impractical to go back out to bid, and

WHEREAS, by itself, the ECD postcard project is well below the cost threshold requiring the project to be re-bid, and

WHEREAS, the revised postcard quote from Chase Press will result in a significantly lower “per piece” price, then

BE IT RESOLVED, that upon the recommendation of David Humphrey, Executive Assistant to the Supervisor, the revised printing quotes from Chase Press, as requested by the Town and summarized on the attached, are hereby approved as adjustments to the original bid awarded.

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

AUTHORIZE SUPERVISOR TO SIGN RENEWAL CONTRACT FOR HAPPY
SOFTWARE FOR SECTION 8 PROGRAM
RESOLUTION #20

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Happy Software, Inc. for software license and software support for the Section 8 Office from February 1, 2011 to January 31, 2012. The contract amount is \$3,520.00. The source of funds is Housing Assistance Payments Accounts maintained by the Section 8 office and funded by the U.S. Department of Housing and Urban Development (“HUD”).

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

AUTHORIZE SUPERVISOR TO SIGN A REVISED CONTRACT WITH CONERSTONE ASSOCIATES THAT CLARIFIES HOW THE COMPANY GETS PAID FOR DIFFERENT TYPES OF ASSIGNMENTS
RESOLUTION #21

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

BE IT Resolved, that the Town Board rescinds the resolutions issued on October 19, 2010 and January 4, 2011 pertaining to Cornerstone Appraisal Associates, Inc. and Bruce Barber, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign an amended agreement with Cornerstone Appraisal Associates, Inc., the Town's environmental consultant ("Contractor"), retroactive to October 16, 2010, which provides that the town shall compensate Contractor as follows:

A. \$49,600 annually for lump sum services, payable in monthly installments of \$4,133.33. within 30 days after receipt by the Town of Contractor's monthly invoices; and

B. \$125/hour for other services, to be invoiced separately by project, in accordance with Schedule A hereof, payable within 60 days after receipt of Contractor's monthly invoices.

The term of the contract shall be from October 16, 2010 through October 15, 2012. Payment shall be made from the general fund.

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

TOWN BOARD AGENDA
FEBRUARY 1, 2011

The Town Board discussed the February 1, 2011 Town Board meeting agenda which will be held at 363 Underhill Avenue, Yorktown Heights, New York 10598 beginning at 7:30 P.M.

EXECUTIVE SESSION

Councilman Martorano motioned, seconded by Councilman Murphy, to move into Executive Session for the purpose of Contract negotiations with the Town Prosecutor and Litigation update.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown