

Regular meeting held by the Town Board,
Town of Yorktown on September 6, 2011 held at
363 Underhill Avenue, Yorktown Heights, NY 10598

Present: Susan Siegel, Supervisor
Nicholas Bianco, Councilman
James Martorano, Councilman
Vishnu Patel, Councilman
Alice E. Roker, Town Clerk

Tardy: Terrence Murphy, Councilman

WORK SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Work Session.

VERIZON ISSUES AND RFP FOR TELECOMMUNICATIONS SERVICES

Supervisor Siegel explained why there are two resolutions concerning Verizon are on tonight's agenda. The Town of Yorktown is very unhappy with the service we are be given.

ZBA ESCROW FEE

Supervisor Siegel asked the members of the Town Board if any of the members who voted against imposing this fee (Councilman Martorano, Councilman Murphy, Councilman Patel) would reconsider their vote.

There was no response from anyone.

Councilman Bianco asked how much money is outstanding.

Supervisor Siegel said approximately \$10,600.00.

SIDEWALK SNOW REMOVAL: CRITERIA FOR INCLUSION OF NEIGHBORHOODS IN THE SNOW REMOVAL DISTRICT

Town Planner John Tegeder provided members of the Town Board with a map showing the sidewalks in the Town of Yorktown, the Town Clerk was not given a map. He spoke to the Town Board with regard to the types of criteria they may want to use in developing legislation regarding sidewalk snow removal. The Town Board might want to consider land use, interconnectivity (where does the sidewalk go to), intermix (is there a residential and retail component), the design of the sidewalk and the its structural qualities.

The discussion will continue at a later work session.

PROPOSED CHANGES TO ZONING ORDINANCE DEALING WITH ACCESSORY STRUCTURES

Yorktown Building Inspector John Winter presented a list of options to the Town Board (a copy was not given to the Town Clerk) on what could be used when it comes to considering accessory structures to homes.

Councilman Bianco gave a list of criteria he would like to see including zoning, the size of the lot and the size of the main building.

Mr. Winter will work with the Town Attorney to draft legislation that the Town Board could advertise at the September 20th meeting for a public hearing on October 4th.

HURRICANE IRENE RESOLUTION

Supervisor Siegel stated that she will give the community an update on the Hurricane at tonight's meeting. She further stated that she will propose a resolution calling for an investigation by the Public Service Commission into the actions of New York State Electric and Gas (NYSEG). Supervisor Siegel stated that she would also like to appoint a committee to look into the Town's Emergency Management Plan. The Supervisor offered several names including Ira Fuhrman, Jay Kopstein, and Gary Ajello.

Councilman Martorano asked the Town Board to consider John Murray, who is in charge of courts in the Bronx.

EXECUTIVE SESSION

Upon motion made by Councilman Martorano, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss Tax Certiorari Settlements.

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Town Board meeting.

TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster and Planning Director John Tegeder were also present at the meeting.

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.

PROCLAMATION – CHRISTINA DELEON

WHEREAS Yorktown's most precious resource is the strength of its people, a strength measured in community pride and commitment that has enabled our Town to grow and prosper; and

WHEREAS Christina DeLeon, a Yorktown resident and Mercy College MA student, has recently completed her reign as Miss Westchester 2011; and

WHEREAS Christina has made numerous official public appearances during her reign as a celebratory guest for charitable causes, and is a volunteer for Guiding Eyes for the Blind, and the American Cancer Society's Relay for Life; and

WHEREAS Christina has been, and continues to be, an excellent role model for young women by being an active community member, volunteer, and who has brought positive attention to the Town of Yorktown; and

NOW, THEREFORE, BE IT RESOLVED, that I, Susan Siegel, Supervisor of the Town of Yorktown, along with the Town Board, wish to extend our congratulations, and offer our sincere thanks to Christina, and we wish her well in her future endeavors.

REPORT ON HURRICANE IRENE

Supervisor Siegel stated that she was grateful that there were no fatalities caused by Hurricane Irene. She thanked the Town's staff and volunteers who helped out during storm including the Highway Department, the Police Department, the Water Department, the Building Maintenance staff, members of the two fire companies, and the Yorktown Volunteer Ambulance Corps. Supervisor thanked James Morgan for monitoring the generator at Town Hall during the early morning hours. She thanked Glen Sneyd who went down to Rye, New York which was severely damaged by the storm. Supervisor Siegel thanked County Legislator Michael Kaplowitz for arranging to bring food to the seniors at Beaver Ridge. She also expressed her frustration with NYSEG. The Town Board will be voting on a resolution later tonight on this subject. FEMA assistance is now available. Westchester County will be opening up its Assistance Center at the County Center in White Plains. Supervisor Siegel spoke about Westchester's Special Needs Registry. 36 residents in Yorktown are on this list. The Town of Yorktown is roughly two weeks away from setting up its own Automated Emergency Notification System.

HURRICANE IRENE
RESOLUTION #419

Upon Motion by Councilman Bianco, Seconded by Councilman Martorano,

Resolved that the Supervisor send a letter to the Public Service Commission requesting that the Commission investigate the actions of both Con Edison and New York State Electric & Gas in regard to the pre planning they did in advance of Hurricane Irene, their actions during the hurricane and their post hurricane efforts to restore power, and with special emphasis on the following areas: how they communicated with their customers and town officials, the distribution of dry ice, and the priorities they set for clearing downed wires and restoring power.

And be it further resolved that the Town Board appoint a special committee to review the Town's Emergency Preparedness Plan and report back to the Board on any recommended changes in the Plan, including recommendations dealing with our emergency shelter facilities, the coordination of free food supplies to those in need, the distribution of dry ice, emergency services to residents without power and communications with residents.

And be it further resolved that such a committee shall consist of members of the existing Emergency Management Team comprised of the Chief of Police, the Highway Superintendent, the Building Inspector and representatives of the Yorktown and Mohegan Fire Departments and the Yorktown Volunteer Ambulance Corps and, in order to get broad input from the community, between two to four volunteers from the community with experience and expertise in emergency management.

And be it further resolved that the Chief of Police shall serve as co-chairman of the Committee together with one of the community volunteers.

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

DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Siegel made several announcements including:

19 town vehicles and piece of equipment are up for sale on the website AuctionsInternational.com,

Cablevision is eliminating its analog feed shortly and will be offering free boxes.

The Town of Yorktown received a check from the Beaver Conference Farm for \$48,750 to purchase playground equipment that could be used by children with disabilities.

The Town has secured a grant for \$1,500 to help develop a Forest Plan for Turkey Mountain.

The Town Board has met with the vendor who won the RFP with plans for Shallow Creek Golf Course.

Construction work will begin on the Sherman Court Bridge shortly.

Escrow Fees – we do not have a procedure in place for professionals working with the Zoning Board. At this time, the costs will be borne by the taxpayers of Yorktown.

Croton Overlook – we anticipated receiving the applicant's FEIS today. But due to the storm we have extended the time to receive comments.

The Recreation Brochure was a casualty of the storm. It is on-line.

The YCCC redevelopment plan should begin this week.

There will be a Memorial Service for 9/11 at the Gazebo at the Library in Shrub Oak at 2:00PM

Friends of the Library will be holding a concert at the YCCC starring Kurt Gallagher on September 17, 2011,

St. Mary's Episcopal Church will be holding a Golf Outing on September 17th at Hollowbrook Golf Course.

Town Clerk Alice Roker explained the changes for the 2011 Elections. The Westchester County Board of Elections have redistricted the northern end of Yorktown. Many residents are now in new districts. Also, districts formerly in Mildred Strang Middle School and French Hill have been changed to Mohansic School and the YCCC.

Supervisor Siegel reported on the 2011 Audit by the New York State Comptroller. The last Audit was conducted in 1996. The purpose of the audit was to look at the financial condition of the Town. It was not designed to look into criminal issues.

16 recommendations were made by the State, 80% of them have already been implemented. We are now in the process of dealing with a Corrective Action Plan.

DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco stated that the government was prepared for the storm. The utilities were reactive instead of proactive. Councilman Bianco stated that Assemblyman Greg Ball will be holding public hearings regarding the utilities performance during Hurricane Irene. Councilman Bianco stated that as far as the audit is concerned, he agrees with the Supervisor.

Councilman Martorano stated that the storm was a terrible experience. We have been through this type of storm before. NYSEG in a telephone conversation with the Board promised to provide dry ice to our residents as well as a liaison for the Town Board. None of this ever happened. Councilman Martorano stated that he met a couple of crews that came to help NYSEG. They were from out of state. They were not permitted to work overtime. He and Councilman Bianco sent a letter demanding an investigation by the Public Service Commission of NYSEG. He also attended Assemblyman Ball's Press Conference and would like to see how NYSEG prepared for this storm. Councilman Martorano also explained the reason is not in favor of having an escrow fee account for the ZBA stating that if we had a Legal Department, this would not happen. He further stated that government is supposed to provide services to the people. We are attempting to make this a business friendly town. Councilman Martorano also thanked everyone who worked or volunteered during the storm including the Police Department and the Highway Department.

Councilman Murphy stated that Hurricane Irene struck the Town of Yorktown very hard. Trees took out utility poles. He thanked Chief McMahon for checking on several couples who needed help. Councilman Murphy also thanked the Highway Department, the Department of Environmental Conservation and both of the Town's fire departments. He also thanked Danny Cruz for manning the shelter at the YCCC.

Councilman Patel also offered thanks to the personnel and volunteers who worked during the storm. He also spoke of several Eagle Scouts who handed out dry ice during the Hurricane. Councilman Patel spoke about Antonio Rufo who turned one hundred years old recently.

Supervisor Siegel stated that the Highway Superintendent is still in the process of conducting an assessment of the roads that were damaged in the storm.

APPROVE MINUTES FROM AUGUST 2, 2011
RESOLUTION #420

Upon Motion by Councilman Bianco, Seconded by Councilman Martorano,

Supervisor Siegel asked the Town Clerk if she would correct the spelling of Richard Fon, the Planning Board Chairman's name in Resolution 383.

Resolved, that the Town Board Meeting Resolutions for August 2, 2011 are approved by the Town Board.

Siegel, Bianco, 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:

Mr. Steve Gardner spoke on the issue of the New York State Audit. He and others have been bringing issues to the attention of the Town Board for the last few years. He questioned why the audit only went back to 2007. There are issues we believe there are issues that go back as far as 2004. Everyone makes mistakes. But, what we have in this report is millions of dollars in vehicles and work done without the proper controls in place.

Mr. Nicholas DiTomasso stated that most of the issues raised in the audit go back years. There are two members of the Town Board who have served for two decades.

Mr. Edward Ciffone representing the United Taxpayers of Yorktown called for an investigation of the audit by the New York State Attorney General. He also called for a Public Hearing on the Audit. Mr. Ciffone stated that when the residents learned of the million dollar tax mistake, the Town Board held a public hearing at the YCCC. The UTY would like a Public Hearing on the Audit.

Mr. Fred Gulitz read prepared remarks, a copy of which is on file in the Clerk's Office. He reiterated Mr. Ciffone's call for a Public Hearing. He further stated that some

statements made by public officials in the Audit are untrue. Mr. Guiltz spoke about the letter he received from the New York State Department of Environment Conservation to the Town of Yorktown dated February 26, 2008 which requested a “corrective action plan” for a spill that occurred in August of 1997. From February of 2008 through March 3, 2009, there is nothing in the Town Board meeting minutes about having to clean up this oil spill. If this was an emergency why didn’t the Director of Labor Operations report it to the Town Board. A copy of Mr. Gulitz’ handouts, including his prepared remarks, a copy of the audit will be sent to the members of the Town Board tomorrow.

Mr. Paul Moskowitz spoke about a new Appliance Energy Rebate Program from NYSEDA for energy efficient appliances purchased after September 2, 2011. The information is available on the Town’s website.

Mr. Gregory Krasow stated that he would like to renew his request to work with the Museum on a program that besides being innovative would bring in money to the Town.

Ms. Patty Peckham spoke about her concern regarding the Baptist Church Bridge. It is crumbling. Hurricane Irene spared it, but with every new storm it continues to erode away. Where are we in the process of replacing it?

Mr. and Mrs. Prisco, who live near the intersection of Underhill Avenue and Highbrook stated that prior to the hurricane season beginning, they spoke to Highway Superintendent Eric DiBartolo about dredging the nearby water body. We were told that there was no money placed in the budget to do this work. We’ve already had an issue with a sewage backup and have filed a Notice of Claim.

A resident of 2776 Evergreen Street stated that she lives in an area that experiences frequent power outages. She asked the Town Board to find out why they are having so many power outages. NYSEG has been unresponsive to them. Her family was out of power this time for 10 days.

A resident of 2773 Evergreen Street thanked Councilman Martorano for coming to her neighborhood during the power outage. The family moved to Yorktown in 1996. In that year, they were out of power due to an ice storm for 10 days. NYSEG needs to keep the power on and if not, restore it as quickly as possible. They should also provide a liaison to the Town of Yorktown.

Mr. Daniel Chung, a resident of Evergreen Street stated that he has lived here for 22 years. He thanked Councilman Martorano for attending their neighborhood get together during the power outage. He spoke about the fact that this area loses power frequently for no apparent reason.

A resident of 2780 Evergreen Street also thanked Councilman Martorano for coming to his neighborhood. He moved to Yorktown two years ago and has experienced quite a few power outages. The last power outage lasted for 6 days. He asked the Town Board to look into the procedures of NYSEG.

Mr. Edward Donovan stated in 1993, a school clerk made a \$4 million dollar mistake. In December of 1993, the Yorktown School Board met and decided not to tell anyone. He said everyone should read the Tulis Report which was an investigation into the Town’s handling of this error. Mr. Donovan stated that he as disheartened to hear about the recent State Audit.

Mr. Nicholas Witkowich spoke about the type of legislation that he would like to see as a result of the Three Month Moratorium on Accessory Structures. He believes that it is the local government’s responsibility to keep suburban residential areas free from commercial businesses. In a one acre area, a building should be one story and the total height no more than fifteen feet. The Town should only permit there to be one accessory structure on a lot.

Mr. Bill LaPierre, stated that he was very disappointed after reading the Audit Report. He believes there are problems going back at least six years and account for at least \$24 million dollars. Mr. LaPierre stated that he believes the Town should hold an open meeting

on this issue. He has gone to the NYS Attorney General's Office and has visited with the FBI. He believes a lot of laws have been broken, a cover-up has taken place and people on the Town Board have to go. Twenty two town employees have provided him with information. He told the Town Clerk that she is a hard worker but was concerned to read about issues brought forth in the Audit. Mr. LaPierre feels that the Supervisor has done a phenomenal job with the purchase order system.

Mr. Anthony Grasso stated that he was tired of hearing the personal attacks. If anyone has information of a criminal act, then take it to the proper authorities. If you have that kind of proof, show it.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to many of the concerns raised tonight including the following: The Town would like to begin construction on the Baptist Church Road Bridge but there are two residents who will not give us easements and without them we cannot proceed.

She told the Priscos that the Town has lots of drainage issues and problems. Some of the drainage issues are the Town's responsibility, some of the problems are the responsibility of the property owner. She further stated that even though the Highway Department loss staff last year, the Highway Superintendent should be able to manage his staff better. The Supervisor also stated that she would find out what the hold-up is on the Prisco's Notice of Claim.

Regarding the power outages on Evergreen Street, there is clearly a problem. She spoke to NYSEG about the need for better communication.

Councilman Martorano stated that NYSEG should have been told that its crews should have worked all night just like the crews working for Con Ed.

Councilman Patel stated that he will look into the Evergreen issue.

Councilman Bianco said we have to find out where the line on Evergreen Street goes to.

Speaking on the Audit, Supervisor Siegel stated that many of the issues raised in the current audit were raised in the previous audits. In 2009, she asked the State to perform a Risk Assessment. After that was done, the State Comptroller's Office decided to come back and perform a full audit. Representatives of the NYS Comptroller spent months in the Town of Yorktown. A Draft Audit was released and the Town Board and Highway Superintendent and Town Clerk were permitted to respond to issues raised in the draft report. Mr. LaPierre has raised issues that have to do with criminal actions. If the Attorney General or the FBI believes a criminal action took place, they will investigate.

CONVENE PUBLIC HEARING AMENDING CHAPTER 300 OF THE ZONING CODE RELATING TO THE REZONING OF THE VILLAGE TRADITIONS SITE

Supervisor Siegel convened a public hearing for the purpose of a proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions:

Section 15.16, Block 1, Lot 32 on the Tax Map of the Town of Yorktown is rezoned from C-2/R1-20 to C-2/O. The Town Clerk presented affidavits of posting and publication.

Yorktown Planning Director John Tegeder explained that this is the last parcel of property that the Town has to rezone as it relates to the Comprehensive Plan. The Board's initial plan to rezone the site would have made it a legal non-conforming use. The owner of the property rebuilt the building some time ago. He further explained that this particular rezoning is more beneficial to the area.

Supervisor Siegel read a letter from Jeanne M. Gilholm and George R. Gilholm in which they end by saying, we hope you will agree with his plan (the owner's) to continue this improvement. It's a benefit to the whole Town. She also read a communication from Donald and Margaret Sudal supporting the rezoning also stating that the owner has made positive changes to the site.

Mr. Joseph Visconti, President of the New Yorktown Chamber of Commerce stated that his organization provided input to the plan and support proposed rezoning.

Mr. Howard Frank asked the Town Board to look at this site very carefully and pay attention to parking. The formula for parking should be in this resolution to assure adequate parking on the site.

Mr. Albert Capellini, Attorney for the applicant stated that his client has gone through the Planning process. He has an approved plan for five spaces per thousand square feet.

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

LOCAL LAW #9 OF 2011
CHAPTER 300 OF THE ZONING CODE RELATING TO THE REZONING OF THE VILLAGE
TRADITIONS SITE
RESOLUTION #421

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

WHEREAS, a public hearing was held on September 6, 2011 pursuant to notice duly published as required by law to amend Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions:

Section 15.16, Block 1, Lot 32 on the Tax Map of the Town of Yorktown is rezoned from C-2/R1-20 to C-2/O. The Town Clerk presented affidavits of posting and publication. Now therefore be it

RESOLVED that Local Law #9/2011, as annexed hereto, 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:

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

Local Law #9/2011 was thereupon declared adopted.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING THE ZONING CODE BY ADDING WAREHOUSES
TO THE LIST OF PERMITTED USES WITH A SPECIAL PERMIT IN A C-1 ZONE

Supervisor Siegel convened a public hearing to consider a proposed local law amending the Town of Yorktown's Zoning Code adding warehouses to the list of permitted uses with a Special Permit in C-1 commercial shopping center districts. The Town Clerk presented affidavits of posting and publication.

Mr. John Tegeder stated that this proposal allows warehouses to be a main use by Special Permit in a C-1 zone. He also explained that the owners of the Staples Shopping Plaza has approached the Planning Board and asked about having a warehouse in the back of their building.

Mr. Howard Frank stated that the Town must assure that there is adequate fire protection in these facilities. We need to make sure that these buildings are equipped with a sprinkler system.

Mr. Anthony Romano stated that there are sprinklers throughout this Shopping Plaza.

Mr. Joseph Visconti, President of the Yorktown Chamber of Commerce stated that there are no down sides to this issue. He hopes the Town Board looks favorably on this proposal.

A resident asked if the taxes on this property would go up.

Supervisor Siegel stated that question has to be answered by the Town Assessor.

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

LOCAL LAW #10 OF 2011
AMENDING THE ZONING CODE BY ADDING WAREHOUSES TO THE LIST OF PERMITTED USES WITH A SPECIAL PERMIT IN A C-1 ZONE
RESOLUTION #422

Upon motion made by Supervisor Siegel, seconded by Councilman Martorano,

WHEREAS, a public hearing was held on September 6, 2011 pursuant to notice duly published as required by law amending the Town of Yorktown's Zoning Code adding warehouses to the list of permitted uses with a Special Permit in C-1 commercial shopping center districts. Now therefore be it

RESOLVED that Local Law #10/2011, as annexed hereto, 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:

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

Local Law #10/2011 was thereupon declared adopted.

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 275 ADDING WOOD STREET TO THE LIST OF STREETS RESTRICTING TRUCKS IN EXCESS OF 5,000 LBS

Supervisor Siegel convened a public hearing for the purpose of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," to add a weight restriction on Wood Street. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel stated that over the years she had attended Town Board Meetings and listened to residents in the area ask for this local law. She has been in discussions with Robert Tandy, Supervisor of Putnam Valley to hold public hearings on this issue on the same night. Wood Street runs through the Town of Yorktown and the Town of Putnam Valley.

Mr. Howard Frank stated that the bottom line on this proposal is enforcement. He spoke about Granite Springs Road and Hallocks Mill Road where there are laws with similar weight restrictions but the law is not enforced.

Mr. Edward Ciffone asked how would anyone know if the truck driver is making a local delivery? Do you follow the truck?

Supervisor Siegel stated that the law would have to be publicized. She and Mr. Tandy will hold a joint Press Conference.

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

LOCAL LAW #11 OF 2011
AMENDING CHAPTER 275 ADDING WOOD STREET TO THE LIST OF STREETS RESTRICTING TRUCKS IN EXCESS OF 5,000 LBS
RESOLUTION #423

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

WHEREAS, a public hearing was held on September 6, 2011 pursuant to notice duly published as required by law of amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," to add a weight restriction on Wood Street. Now therefore be it

RESOLVED that Local Law #11/2011, as annexed hereto, 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:

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

Local Law #11/2011 was thereupon declared adopted.

CONVENE PUBLIC HEARING

PROPOSED LOCAL LAW AMENDING CHAPTER 260 RELATING TO INSTALLMENT AGREEMENTS FOR DELINQUENT REAL PROPERTY TAXES

Supervisor Siegel convened a public hearing for the purpose of amending of Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION", by amending Article IV entitled "Installment Agreement for "Delinquent Real Property Taxes," regarding defaults. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel explained that this was an amendment to an existing law.

Town Attorney Jeannette Koster provided an overview of this proposal which she called a clarification to the current law. The Town will not change any of the contracts that currently exist.

Mr. Nicholas DiTomasso asked if these contracts include interest and penalties.

Supervisor Siegel explained that penalties and interest are placed in these agreements prior to the property owner signing the agreement.

Mr. Ed Ciffone asked where does the interest and penalties go?

Supervisor Siegel stated that if you look at the budget book, there is a line for penalties and interest.

Mr. Ed Ciffone spoke about the fact that Supervisor Siegel had \$1.2 million in taxes extinguished from the tax roll this year.

Supervisor Siegel explained that much of the money was uncollectible, the other was taxes on roads.

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

LOCAL LAW #12 OF 2011

AMENDING CHAPTER 260 RELATING TO INSTALLMENT AGREEMENTS FOR DELINQUENT REAL PROPERTY TAXES
RESOLUTION #424

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

WHEREAS, a public hearing was held on September 6, 2011 pursuant to notice duly published as required by law amending Chapter 260 of the Code of the Town of Yorktown entitled "TAXATION", by amending Article IV entitled "Installment Agreement for "Delinquent Real Property Taxes," regarding defaults. Now therefore be it

RESOLVED that Local Law #12/2011, as annexed hereto, 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:

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

Local Law #12/2011 was thereupon declared adopted.

ADVERTISE PUBLIC HEARING - OCTOBER 4, 2011
PROPOSED LOCAL LAW CREATING CHAPTER 102 ESTABLISHING A NEW
AFFORDABLE HOUSING PROGRAM
RESOLUTION #425

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York on the 4th day of October, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of enacting Chapter 102 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING," establishing a new Affordable Housing Program.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown's website www.yorktownny.org

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

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

ADVERTISE PUBLIC HEARING - OCTOBER 4, 2011
SANGANOO - SEEKING RELIEF ON THE BASIS OF HARDSHIP FROM THE TEMPORARY
MORATORIUM ON APPROVALS FOR BUILDINGS ACCESSORY TO RESIDENCES
RESOLUTION #426

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York on the 4th day of October, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the application of Robert Sangano seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the process to be granted a variance for an accessory detached structure on their residence known on the Yorktown Tax Map as 37.19-2-10.

A copy of said application 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.

ADVERTISE PUBLIC HEARING – OCTOBER 4, 2011
SILVERMAN - SEEKING RELIEF ON THE BASIS OF HARDSHIP FROM THE TEMPORARY
MORATORIUM ON APPROVALS FOR BUILDINGS ACCESSORY TO RESIDENCES
RESOLUTION #427

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York on the 4th day of October, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the application of Paul and Jennifer Silverman seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to complete the Building Department's review process for an accessory detached structure to their residence known on the Yorktown tax map as 36.10-1-80.

A copy of said application 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.

ADVERTISE PUBLIC HEARING – OCTOBER 4, 2011
SEPA - SEEKING RELIEF ON THE BASIS OF HARDSHIP FROM THE TEMPORARY
MORATORIUM ON APPROVALS FOR BUILDINGS ACCESSORY TO RESIDENCES
RESOLUTION #428

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

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York on the 4th day of October, 2011 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the application of Luis and Debbie Sepa seeking relief from the Moratorium pursuant to Local Law #8/2011 in order to begin the Building Department's review process for an accessory detached structure to their residence known on the Yorktown Tax Map as 15.20-1-15.

A copy of said application 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.

REQUEST FOR PROPOSALS (RFP)
TELECOMMUNICATION SERVICES
RESOLUTION #429

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

Resolved, that the Town Clerk is authorized to advertise a Request for Proposals (RFP) for Telecommunications Services after September 27, 2011, subject to Town Attorney approval following a response from Verizon to a Notice of Service Failures.

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

APPOINTMENT
MARIA DE LOURDES VALDES – ASSISTANT COURT CLERK
APPROVE TAX CERTIORARI SETTLEMENT
RESOLUTION #430

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

BE IT RESOLVED, that Maria De Lourdes Valdes of Ossining, NY, is hereby appointed Assistant Court Clerk, job class code 0050-01, effective September 26th, 2011, to be paid from Yorktown CSEA Salary Schedule A1, Group 8, Step 1, which is \$44,993.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED, contingent upon Westchester County's approval of your transfer,

BE IT RESOLVED, contingent upon successful completion of a drug test,

BE IT RESOLVED, that Maria De Lourdes Valdes will report to work at the Yorktown Town Court on September 26th, 2011, and this date will be used as the first date of appointment,

BE IT FURTHER 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 September 26th, 2011.

Councilman Martorano stated that he has talked to both judges about this appointment. They believe it is necessary.

Councilman Murphy stated that he too has been in discussions with the two judges who also stated that this is a very necessary appointment.

Supervisor Siegel stated that we have been trying to fill this appointment for half a year, but the Yorktown Judges were not happy with the people on the civil service list. This young woman has criminal court experience and both judges believe that she would be an asset to the Town of Yorktown.

Councilman Patel stated that both judges and the entire staff of the Court have worked very hard to clean the back log. They believe this person would be an asset to the Court.

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

Councilman Bianco stated that the Board has to make tough decisions now. Right now, he believes the budget increase could be as high as 7%. He asked the Town Board to hold off before making this appointment. He wanted the opportunity to see the Supervisor's Budget that is due at the end of October.

APPROVE TAX CERTIORARI SETTLEMENT*****
JEFFERSON VILLAGE III CONDOMINIUMS
RESOLUTION #431

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

WHEREAS, tax certiorari proceedings were instituted by Jefferson Village III Condominiums, challenging the aggregate assessment for Section 5.19, Block 1, Lots 14.-101 thru 14.-610, totaling 127 individual, located in the Jefferson Village Condominium Complex, on the Tax Map of the Town of Yorktown, and

WHEREAS, the 127 individual condominium assessments will be determined by its percent share of the aggregate value, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting the aggregate value of Jefferson Village III Condominiums, as stated above, for assessment roll years 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

<u>Roll</u> <u>Year</u>	<u>AV</u> <u>From</u>	<u>AV</u> <u>To</u>	<u>Proposed</u> <u>Reduction</u>
2010	\$413,600	\$341,150	\$72,450

2009	\$413,600	\$325,600	\$88,000
2008	\$413,600	\$327,550	\$86,050
2007	\$413,600	\$307,300	\$106,300
2006	\$413,600	\$315,550	\$98,050
2005	\$413,600	\$356,950	\$56,650

Approved by the Town Board upon condition that all taxes are paid.

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

APPROVE TAX CERTIORARI SETTLEMENT
JEFFERSON VALLEY MALL
RESOLUTION #432

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.12, Block 1, Lot 24, located at Route 6 and Lee Blvd., on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.12-1-24, Account Number 1884000, owned by Jefferson Valley Mall LTD, Route 6 and Lee Blvd., for assessment roll years 2004, 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

Roll Year	AV From	AV To	Proposed Reduction
2004	2,000,000	2,000,000	0
2005	2,000,000	2,000,000	0
2006	2,000,000	1,915,300	84,700
2007	2,000,000	1,837,100	162,900
2008	2,000,000	1,960,600	39,400
2009	2,000,000	1,835,600	164,400
2010	2,000,000	1,833,100	166,900

Approved by the Town Board upon condition that all taxes are paid.

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

APPROVE TAX CERTIORARI SETTLEMENT
1401 FRONT STREET ASSOCIATES
RESOLUTION #433

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.11, Block 1, Lot 52, located at 1401 Front Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 48.11-1-52, Account Number 4456510, owned by 1401 Front Street Assoc., LLC, for assessment roll years 2004, 2005, 2006, 2007, 2008, 2009 and 2010, be settled as set forth in the proposed stipulation as follows:

Roll Year	AV From	AV To	AV Reduction
2010	\$159,400	\$155,600	\$3,800
2009	\$159,400	\$140,650	\$18,750
2008	\$159,400	\$159,400	\$0

2007	\$159,400	\$159,400	\$0
2006	\$159,400	\$124,900	\$34,500
2005	\$159,400	\$135,600	\$23,800
2004	\$159,400	\$142,100	\$17,300

Approved by the Town Board upon condition that all taxes are paid.

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

WETLAND BOND RELEASE
HOWARD – CHESTNUT COURT - #WP-078-05
RESOLUTION #434

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

WHEREAS, Melanie Howard, as applicant, posted Check No. 1113 in the amount of \$350.00, which was deposited into the T33 account on December 16, 2005, to serve as the Wetland Bond for Wetland Permit #WP-078-05, for work performed at her Chestnut Court 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 \$350.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced Wetland Bond in the amount of \$350.00 be and is hereby released to Ms. Melanie Howard, 361 Chestnut Court, Yorktown Heights, NY 10598.

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

APPROVE INCREASE IN CHIPS
RESOLUTION #435

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

Whereas, the Highway Department has received notification from New York State Department of Transportation regarding the 2011 funding, and

Whereas, the amount approved for the Town of Yorktown from NYS DOT is \$307,539.35, and

Whereas, the “CHIPS” line in the 2011 budget was estimated at \$240,000, and

Whereas, in order to utilize the full amount of the funding the town must first spend the full amount, now,

Therefore, Be It Resolved, the following 2011 budgetary increase is hereby approved:

Increase:	D 3501 State Aid Chips	\$67,539.35
Increase:	D 5112.200 Chips	\$67,539.35

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

APPROVE CREDIT LINE AUTHORIZATION
RESOLUTION #436

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

Whereas, under General Municipal Law, pre-payment for goods or services is prohibited, and as such, all vendors must supply the Town with credit, and

Whereas, the Town of Yorktown is a town of the first class with the position of Comptroller, and

Whereas, under Section 34 of Town Law, the Comptroller is responsible for approving all receipts and disbursements, and accordingly, the Comptroller monitors the credit needs of the Town, now,

Therefore, Be It Resolved, the Town Board hereby authorizes the Comptroller as the approval authority for all credit applications, including those credit lines using identification cards.

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

RELEASE ESCROW – STREET OPENING PERMIT

#010-005 - \$1,000

RESOLUTION #437

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

RESOLVED, that an escrow deposit for Street Opening Permit #010-005 in the amount of \$1,000.00 be released to Anthony I. Celio, 415 Birdsall Drive, Yorktown Heights, NY.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO AUTHORIZE THE YORKTOWN POLICE DEPARTMENT TO PARTICIPATE IN THE STOP-DWI PATROL PROJECT

RESOLUTION #438

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an intermunicipal agreement with COUNTY OF WESTCHESTER, acting by and through its Department of Public Safety Services, to authorize the Yorktown Police Department to participate in the County's STOP-DWI Patrol Project. The term of the agreement is five (5) years, commencing on January 1, 2011 and expiring on December 31, 2015. Pursuant to this agreement, the Town shall have the right to reimbursement from the County for up to \$8,400 per year for additional, overtime, DWI road patrol enforcement provided by the Police Department, in accordance with the terms of the agreement.

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

AUTHORIZE SUPERVISOR TO SEND LETTER TO VERIZON NOTIFYING THEM THAT THEY ARE IN DEFAULT OF THEIR CONTRACT

RESOLUTION #439

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

RESOLVED, that the Town Supervisor is directed to send a Notice of Service Failures to Verizon concerning Verizon's significant and recurrent breaches of the Town's contract.

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

AMEND CONTRACT FOR TOWN PROSECUTOR INGRID O'SULLIVAN, ESQ.

RESOLUTION #440

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

RESOLVED, that the Town Supervisor is hereby authorized to sign a Third Amendment to the Agreement between the Town and Ingrid O'Sullivan, Esq., dated July 23, 2010, as amended on April 18, 2011 and August 12, 2011, providing for compensation for

special projects. The Third Amendment shall be retroactive to July 1, 2011. All other terms of the Agreement, as amended, shall remain unchanged.

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

APPROVE FUNDING AGREEMENT BETWEEN THE EAST OF HUDSON CORPORATION AND THE NYC DEP
RESOLUTION #441

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

WHEREAS, the Town of Yorktown is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

WHEREAS, the Town of Yorktown, County of Westchester and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems, pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated a draft agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination to the East of Hudson Watershed Corporation, when formed; and

WHEREAS, upon formation of the East of Hudson Watershed Corporation, the Board of Directors thereof will have the responsibility of reviewing and approving the final draft of the Funding Agreement; and

WHEREAS, it is in the best interest of the Town of Yorktown, County of Westchester to have the East of Hudson Watershed Corporation enter into the final draft of the Funding Agreement on behalf of the EOH Watershed communities;

NOW THEREFORE BE IT RESOLVED, that the Town of Yorktown, County of Westchester approves the Funding Agreement and recommends to the Board of Directors of the East of Hudson Watershed Corporation, when formed, that the Corporation enter into the Funding Agreement substantially the same in form and substance as the July 12, 2011 draft.

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

APPROVE IN CONCEPT AN IMA WITH WESTCHESTER COUNTY FOR THE DISTRIBUTION OF APPROXIMATELY \$10 MILLION IN THE EAST OF HUDSON FUND FOR STORMWATER RETROFIT PROGRAMS
RESOLUTION #442

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

Resolved that that Supervisor is authorized to execute an Intermunicipal Agreement (IMA) with Westchester County, in substantially the same form as draft IMA dated 8/17/11, a copy of the draft IMA shall be filed with the Town Clerk, that will disburse \$10 million of East of Hudson (EOH) WQIP funds to the CKWIC municipalities, of which Yorktown is one, for the purpose of funding stormwater retrofit projects.

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

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH GOV-PAY TO PROVIDE FOR CREDIT CARD PAYMENTS
RESOLUTION #443

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

RESOLVED, that the Supervisor is authorized to sign an agreement with Merchant MultiService, LLC (MMS, or, dba: Gov-Pay), to provide financial transaction services to permit payment by credit card, debit card and electronic checks for town fees and taxes, at no cost to the Town.

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

AUTHORIZE THE TOWN ATTORNEY TO COMMENCE LEGAL PROCEEDINGS TO FORECLOSE ON PARCELS ON THE DELINQUENT REAL PROPERTY TAX LIENS - 2009

RESOLUTION #444

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

RESOLVED, that the Town Attorney is hereby authorized to commence legal proceedings to foreclose on the parcels set forth on the list of delinquent real property tax liens for tax year 2009, which list shall be filed in the offices of the Town Clerk and Receiver of Taxes.

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

REFUND DUPLICATE TAX PAYMENT

RESOLUTION #445

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund Amount</u>
2011 Town/Cty	16.14-1-22	1234500	\$2,799.42
2011 Town/Cty	26.19-1-38	1357500	\$2,968.13
2011 Town/Cty	17.14-2-5	2504500	\$4,453.65
2011 Town/Cty	25.12-1-4	0392500	\$2,186.04

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

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

REFUND NORTHERN WESTCHESTER JOINT WATER WORKS \$1,862.40

RESOLUTION #446

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

RESOLVED, that the Town Board approves a refund in the amount of \$1,862.40 be made to Mohegan Lake Motors, 1744 East Main Street, Mohegan Lake, NY 10547, Account #41-1501001-3, representing a duplicate water bill payment.

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

REFUND ZONING BOARD OF APPEALS FEE \$210.00 BUILDING DEPARTMENT

RESOLUTION #447

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

RESOLVED, that the Town Board approves a refund in the amount of \$210.00 be made to Robert S. Sanganoo, 1869 Andre Place, Yorktown Heights, NY 10598 for a Zoning Board of Appeals variance fee which was withdrawn due to the Moratorium.

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

MONTHLY REPORTS

Receiver of Taxes – July Reports

Building Department – July Permit Report, August Cost of Construction Report

COURTESY OF THE FLOOR, the following residents addressed the members of the Town Board:

Mr. Steve Gardner stated that one of the most powerful statements in the Audit is on Page 4 and speaks to the issue of “favoritism.” He doesn’t see how millions of dollars were spent without controls in place. Tax payers are owed an explanation.

Mr. Edward Donovan stated that after the lights went out, some homeowners called the Police Department and they didn’t know there was a problem. This is unacceptable.

Mr. DiTomasso stated that prior to the Supervisor winning the office, she ran on the issue that there were problems in Town Hall. Now, you tell us there is no criminal action that took place.

Mr. Glenn Johnson questioned the credit card fees. He said the Supervisor stated that the resident would be paying a 2.6% fee plus \$3.00 charge. Are both of these fees charged by the credit card company, or does the Town get a part of the fee? Also, the 2% cap legislation states that a legislative body could override the law by a 60% vote of the Board. Every vote requires that type of vote.

Mr. Howard Frank spoke about the electric power houses that are jointly operated by NYSEG and Con Ed. He also spoke about cross connectors in the Loder Road area. He also stated that the problem is that we have two sub stations operated by both utilities, who is going to handle problems as they arise.

Mr. Edward Ciffone, President of the UTY, again called for a public hearing on the audit. He also spoke about the Board’s decision to appoint a new clerk at the court. He stated that they will have to get rid of the part time person and now pay a person more money, plus benefits. He also stated that during the budget hearings, he believes that all of the budget lines are inflated. He wondered why the Supervisor took credit for finding an extra \$2 million. On the issue of Affordable Housing, Mr. Ciffone stated that he does not believe that Yorktown fits the criteria under the Housing Settlement Agreement.

Highway Superintendent Eric DiBartolo disagreed with Mr. Gardner calling himself a tax payer. He says that Mr. Gardner does not pay his taxes and defaulted on an agreement signed with the Town.

Supervisor Siegel responded to some of the issues raised in the final Courtesy of the Floor as follows:

Regarding credit card payments, the Town gets a \$20.00 registration fee. The State Cap Legislation is 2% or the rate of inflation, whatever is higher.

Speaking on the Audit, the Supervisor stated that the town did not put out RFP’s properly. In 1996, the Town was cited for its lack of a Purchase Order System.

The 2010 Budget was approved by the prior Town Board. We were able to save money utilizing that budget.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown

*** Resolution Amended 9/20/11 and 3/20/12