

Work Session held by the Town Board, Town of Yorktown on July 24, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Linda G. Cooper, Supervisor
James Martorano, Councilman
Nicholas Bianco, Councilman
Matthew Metz, Councilman
Louis Campisi, Councilman
Alice E. Roker, Town Clerk

CLOSED SESSION

Councilman Campisi moved, seconded by Councilman Martorano, to move into Executive Session to discuss personnel.

Councilman Campisi moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the Work Session.

WORK SESSION

Supervisor Cooper called the meeting to order. Highway Superintendent Eric DiBartolo and Town Attorney Kevin Sweeny were also present.

870 SAW MILL RIVER ROAD – STREAM ISSUE

Mr. and Mrs. Samuel Liff, residents of 870 Saw Mill River Road provided the Town Board with a written and pictorial history of damage done to their property due to various topographical factors including being downstream and downhill from many properties, the Saw Mill River Stream which runs close to their property and the addition of manmade culverts installed during the construction of the North County Trailway which also runs close to their home. Mrs. Liff explained that a lot of the erosion occurred as a result of disturbances to the stream caused by Hurricane Floyd in 1996. Their problems were exacerbated by the April, 2007 Nor'easter. So far, the Liff's have paid more than \$300,000 for repairs.

Mr. DiBartolo stated that representatives of FEMA are in Town this week assessing damage from the Nor'easter. He will ask them to visit the Liffs' before they leave.

Supervisor Cooper stated that she will attempt to get copies of studies done by Westchester County and New York State regarding the Saw Mill River.

DRAINAGE, TURNING LANE FUNDING AND MOHEGAN WEST PAVING

Highway Superintendent Eric DiBartolo and Comptroller Joan Goldberg were present to discuss with the Board funding for various projects.

Supervisor Cooper explained that the Highway Superintendent is requesting reimbursement for work done on the Route 118 Capital Project which has already been closed out.

Mr. DiBartolo explained that he was required to have this work done by the NYS Department of Transportation.

Supervisor Cooper stated that he is also requesting an additional \$50,000 for drainage work done on Springhurst Street. This should be funded from his drainage line.

Mr. DiBartolo explained that he was asked to do this work by the Town Board. If, \$50,000 is pulled from his drainage line, no other drainage work will be done in town.

The Board told Mrs. Goldberg to fund the \$50,000 drainage work from surplus funds. The \$10,000 for work done at the turning lane will be funded from the Highway Superintendent's sidewalk budget line.

Mr. DiBartolo also responded to a petition from residents living on the west side of Mohegan Lake stating that he will pave one half of the roads this year, and the other half, next year.

2006 AUDIT PRESENTATION

Dominic Consolo, a representative of the Town of Yorktown's auditors, Bennett, Kielson, Storch, Desantis & Company was present to provide the Town Board with an overview of their 2006 audit.

Mr. Consolo stated that the Town was in excellent financial shape ending the year with a fund balance of \$3,609,918.

Joan Goldberg, the Yorktown Comptroller and Patricia Caporale, the Deputy Comptroller were also present.

SECTION 8 ANNUAL PLAN

Colette Rodgers, Director Section 8 Rental Assistance was present to update the Board on the Section 8 Annual Plan.

Mrs. Rodgers stated that 55% of Yorktown's Section 8 Rental Assistance Program is comprised of seniors. The number of people using Section 8 Certificates in Peekskill has dropped. More than two hundred people remain on the waiting list.

Supervisor Cooper explained that the management section of this program has had its budget cut. Mrs. Rodgers has had discussions with Ossining concerning the future of both programs.

The public hearing for the 2008 Program will be held in September.

NOISE ORDINANCE AND LIGHT ORDINANCE

The Board reviewed draft legislation from the Legal and Planning Departments regarding proposed Noise and Lighting Ordinances.

Councilman Nicholas Bianco stated that two portions of the proposal concerning noise appeared to be contradictory. He suggested removing the second section

The Town Attorney explained that the two sections were not contradictory.

After much discussion, Supervisor Cooper withdrew the proposal.

Yorktown Planning Director John Tegeder stated that since the public hearing on the proposed lighting ordinance was adjourned in February, he has had discussions with Building Inspector William Gregory concerning enforcement. The new proposal includes language which states that if an applicant wants to change the lighting plan, they must submit the new proposal to the approving agency. This proposal affects commercial properties.

Supervisor Cooper asked that the new proposal be referred out and that it be placed on the next agenda for advertising the continuation of the public hearing in September.

SHADOW CREEK ENVIRONMENTAL ASSESSMENT RESOLUTION #286

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

RESOLVED, the Legal Department is authorized to execute an agreement with Environmental Maintenance Contractors to conduct a Phase I Environmental Assessment of Shadow Creek for \$1200.00.

FURTHER RESOLVED, if the visual inspection reveals contamination and a Phase II Assessment is necessary, EMC will conduct the Phase II test samples for a cost

of \$1500.00 provided the Town provides digging equipment.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted.

REFERRAL PROPOSED LOCAL LAW AMENDING
CHAPTER 300 LIGHTING ORDINANCE ON COMMERCIAL PROPERTY
RESOLUTION #287

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

RESOLVED, that the proposed local law amending Chapter 300 with regard to the Lighting Ordinance on Commercial Property has been referred out to the following agencies: Town Board, Building Inspector, Highway Superintendent, Planning Department, ABACA, Planning Board, Conservation Board and the New Yorktown Chamber of Commerce. Comments should be submitted to the Town Clerk by September 3, 2007.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted.

REFERRAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR
UPPER WESTCHESTER MUSLIM SOCIETY MASJID AND ISLAMIC CENTER
130 PINES BRIDGE ROAD IN THE TOWN OF NEW CASTLE
RESOLUTION #288

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

RESOLVED, that the Draft Environmental Impact Statement for Upper Westchester Muslim Society Masjid and Islamic Center, 130 Pines Bridge Road located in the Town of New Castle has been referred out to the following agencies: Town Board, Highway Superintendent, Planning Department, Planning Board, Police Department, Public Safety Committee. Comments should be submitted to the Town Clerk by September 3, 2007.

Cooper, Martorano, Bianco, Campisi, Metz Voting Aye
Resolution adopted.

TOWN BOARD AGENDA

Supervisor Cooper discussed miscellaneous items and the Agenda for the August 7, 2007 meeting

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown