

Work Session held by the Town Board, Town of Yorktown on September 11, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

EXECUTIVE SESSION

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

Supervisor Cooper recused herself for a portion of the meeting involving the Town Supervisor transition.

Councilman Bianco 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. Deputy Town Attorney John Buckley and Acting Town Engineer Sharon Robinson were also present.

Supervisor Cooper asked Deputy Supervisor Martorano to make a statement pertaining to the Town Board's discussion concerning the Town Supervisor transition.

TOWN SUPERVISOR TRANSITION

Supervisor Cooper asked Deputy Supervisor Martorano to make a statement pertaining to the Town Board's discussion concerning the Town Supervisor transition.

Councilman Martorano stated that the members of the Town Board have agreed to work hard on this issue.

Supervisor Cooper asked if the Board would share with her the names of those people who are under consideration. She further stated that she has given Councilman Bianco the names of former Village Managers as well as others in the community for consideration. She further stated that it was necessary for her to get the name of the individual so that the Finance Department can prepare for the changeover. New banking cards as well as an imprint of the person's signature has to be made so that the Town is able to pay its bills and its employees. Supervisor Cooper also stated that there are meetings, such as upcoming one at the Northern Westchester Joint Water Works where she would like to take her successor to for the purpose of introducing them. The Supervisor stated that her contract with the Village of Ossining includes a clause that allows her to perform transitional services for the Town of Yorktown. Mrs. Cooper also asked the Town Board to consider allowing her office along with Councilman Martorano to manage the Town until the November General Election. After the election, whichever candidate wins can then be appointed as Interim Supervisor until they officially take over on January 1, 2008.

INCREASE IN SALARY

POLICE OFFICER JARED BUCHANAN

PBA CONTRACT

RESOLUTION #342

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

BE IT RESOLVED, that Jared Buchanan's salary shall be increased to the First Year Police Officer, Second Six Months salary effective July 27, 2007 in accordance with

the 2007 PBA contract.

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

INCREASE IN SALARY
POLICE OFFICER PAUL GRIEVE
PBA CONTRACT
RESOLUTION #343

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

BE IT RESOLVED, that Paul Grieve's salary shall be increased to the First Year Police Officer, Second Six Months salary effective July 27, 2007 in accordance with the 2007 PBA contract.

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

APPOINTMENT
PERSONNEL MANAGER – LINDA MCMAHON
RESOLUTION #344

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

BE IT RESOLVED, that Linda McMahon is hereby appointed Personnel Manager
From Eligible List No. 60-673 effective September 17, 2007 to be paid \$74,000.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary Period of not less than 12 nor more than 52 weeks.

BE IT RESOLVED, that the benefits, vacation and leave policy will be as follows:

- All current time banks will remain in tact and additional sick days, vacation, personal and floating holidays earned shall continue to track the CSEA agreement.
- Participation in medical/dental/vision benefits shall track the CSEA agreement.

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

APPOINTMENT
ALS COMMISSION – LEE JOFFEE
RESOLUTION #345

Upon motion made by Councilman Martorano, Councilman Bianco,

BE IT RESOLVED, that Lee Joffee is hereby appointed to the ALS Commission to fulfill the unexpired term of Anne Anderson expiring on December 31, 2007.

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

LETTER OF SUPPORT
WILKEN'S FRUIT FARM
RESOLUTION #346

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

BE IT RESOLVED that the Supervisor is hereby authorize to send a letter of support to the NYS Dept. of Agriculture and Markets relating to the Wilkens Farms 2007-2008 Farmland Protection Implementation Grant Program.

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

SET PUBLIC HEARING
FRANCESE WETLANDS PERMIT
RESOLUTION #347

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 2nd day of October, 2007 at 7:30 o'clock PM to consider the application of John and Lori Francese for a Wetlands Permit to construct an in-ground swimming pool at 1012 Gambelli Drive, Yorktown Heights, NY 10598.

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.

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

COMPREHENSIVE PLAN
REVIEW DRAFT SCOPE

Planning Director John Tegeder explained that the draft scope had not been completed due to the illness. The Board agreed to adopt the scope at its next work session.

COMPREHENSIVE PLAN
DISMISSAL OF THE APPEAL CONCERNING COMPREHENSIVE PLAN
RESOLUTION #348

Upon motion by Councilman Martorano, seconded by Supervisor Cooper,

WHEREAS, on April 24, 2007, the Town Board of the Town of Yorktown ("Town Board") authorized and directed the Town Attorney to file a notice of appeal with respect to the decision and order of the Supreme Court in the three consolidated hybrid proceedings respectively bearing Index Numbers 06-02785, 06-02913 and 06-03024 (hereinafter, collectively referred to as the "Proceedings"); and

WHEREAS, on or about on April 27, 2007, the Town Attorney filed a notice of appeal in the Appellate Division, Second Department ("Appeal"), which Appeal is still pending; and

WHEREAS, the Town Board authorized and directed the Supervisor to enter into an agreement with Mark Chertok, Esq., and the law firm of Sive, Paget & Riesel P.C., (hereinafter, collectively referred to as "SPR") to provide professional legal services in connection with the Town's response to the decision and order of the Supreme Court in the Proceedings; and

WHEREAS, the Town Board, after consultation with legal counsel, the Town's professional planners and other outside professionals, has determined it to be more cost-effective and expeditious to prepare a Supplemental Generic Environmental Impact Statement ("SGEIS") than to pursue the Appeal;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Board authorizes and directs SPR and the Town Attorney, or either of them acting singly, as appropriate, to file such documents as may be necessary to cause the Appeal to be dismissed with prejudice.

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

BIODIVERSITY GRANT

Lorraine Desisto, Assistant Planner explained that the Town received a grant to conduct a biodiversity study for \$40,000. The study must be completed prior to 2009. Mrs. DeSisto stated that she sent out RFP's for this particular project and got back estimates with the lowest price being \$67,000. If we were to go ahead with this vendor, the Town has to agree to pay the additional \$27,000

Councilmen Metz stated that he does not see a point in doing this study if the Town has to pay \$27,000.

Councilman Campisi stated that he would like to work on the budget before agreeing to spend an additional \$27,000 on this study.

Mrs. DeSisto also explained that there was another grant that she would like to apply for concerning "Safe Routes To and From School." There is no cost associated with this grant.

The Town Board agreed to have her look into this grant.

MURPHY'S RESTAURANT

355 KEAR STREET - DANCE HALL PERMIT

The Town Clerk explained that it was too early to have a work session on this item. She has not received recommendations from the Police Chief or Fire Marshal.

PURCHASE OF LAKELAND ATHLETIC SIGNS RESOLUTION #349

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

RESOLVED, the Town Board approves the purchase of six double sided Lakeland Championship signs with posts from Signs, Inc. at a cost of \$3,750.

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

HALLOCKS MILL SEWER DISTRICT

Members of the Unsewered Hallocks Mill Homeowners Sewer Committee met with the Board in an attempt to have them begin the conceptual planning process.

Acting Town Engineer Sharon Robinson showed the Board maps of the proposed sewer area beginning with the areas where people are currently in septic failure. She then looked at adjacent areas where according to the study performed done by the homeowner's group, only 30% of the property owners responded favorably to the question of whether they wanted sewers. Mrs. Robinson further explained that the cost of a conceptual design plan is approximately 30% of the cost of constructing the district. She expressed concern about beginning the design process at this time. New York City has not changed the regulations to allow the Town to connect any new properties to the existing sewer plant.

After much discussion by the Board and the homeowners, Councilman Metz asked Mrs. Robinson to proceed with as much as she could without expending money.

The Board agreed to the Creation of an ADHOC Committee for this sewer project.

SET PUBLIC HEARING

AMEND CHAPTER 275 WITH REGARD TO STOP SIGNS RESOLUTION #350

Upon motion made by Councilman Martorano, seconded by Councilman Bianco

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town

Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 2nd day of October, 2007 at 7:30 o'clock P.M., or as soon thereafter as the same can be heard, to consider amending Chapter 275 of the Code of the Town of Yorktown.

Section I - Chapter 275 Section 275-6 of the Code of the Town of Yorktown is hereby amended by adding to the list of public highways upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer, the following:

Curry Street - at the "T" intersection with Tulip Drive (in all directions)

Boone Road - eastbound lane at its intersection with Hanover Street

The proposed local law can be viewed on the Town Clerk's website at www.yorktownny.org

A copy of the proposal is on file in the Town Clerk's Office in the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 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.

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

ADVERTISE BID
SKATE PARK EQUIPMENT
RESOLUTION #351

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

NOTICE IS HEREBY GIVEN, that sealed Bids will be received by the Town of Yorktown until 11:00 a.m. on September 19, 2007, at the Office of the Town Clerk of the Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, 10598, at which time and place said sealed Bids will be publicly opened, on the following:
Purchase of Skate Park Equipment and Installation.

Bid Documents may be obtained in the Town Clerk's Office located at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, 10598 beginning on Wednesday, September 12, 2007 during regular business hours of 9:00 a.m. to 5:00 p.m.

The Bid must be submitted in a sealed envelope plainly marked "**Purchase of Skate Park Equipment and Installation**".

Bids may be held by the Town of Yorktown for a period not to exceed sixty (60) days from the date of opening of the bids for the purpose of reviewing the bids and investigating the qualifications of bidders prior to awarding the contract. The Town of Yorktown reserves the right to accept or reject any or all Bids and to waive any informalities, in its discretion, and to award the contract in a manner deemed to be in the best interests of the Town of Yorktown.

All bidders must sign and submit a non-collusive bidding certificate pursuant to Section 103-d of the General Municipal Law.

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

ADVERTISE BID
VACTOR TRUCK – WATER DEPARTMENT
RESOLUTION #352

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

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, October 1, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for a **VACTOR TRUCK**.

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. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598, marked: **VACTOR TRUCK**.

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.

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

REFERRAL INPUT REGARDING
UPPER MUSLIM SOCIETY MASJID AND ISLAMIC CENTER
TOWN OF NEW CASTLE
RESOLUTION #353

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

BE IT RESOLVED, that the Town Clerk is hereby authorize to forward to the Town of New Castle comments relating to the Upper Westchester Muslim Society Masjid and Islamic Center Draft Environmental Impact Statement (DEIS) – Final Adopted Scope.

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

AUTHORIZE SUPERVISOR TO SIGN
ADMENDMENT TO COMMERCE STREETSCAPE
ARCHITECTURAL SERVICES CONTRACT
RESOLUTION #354

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

RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Supervisor to sign an amendment to the Commerce Streetscape Architectural Services Contract.

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

LANDSCAPE BOND RELEASE
FOX DEN SUBDIVISION – FIELD STREET

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

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2323, in the amount of \$300.00, for Lot #8, in the Fox Den Subdivision, on Field Street, which was deposited into the T-30 Account on September 19, 2006, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2322, in the amount of \$300.00, for Lot #9 in the Fox Den Subdivision, on Field Street, which was deposited into the T-30 Account on September 19, 2006, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2153, in the amount of \$300.00, for Lot #12, in the Fox Den Subdivision, on Jordan Drive, which was deposited into the T-30 Account on September 7, 2001, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2204, in the amount of \$300.00, for Lot #16, in the Fox Den Subdivision, on Jordan Drive, which was deposited into the T-30 Account on November 13, 2002, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2191, in the amount of \$300.00, for Lot #23, in the Fox Den Subdivision, on Jordan Drive, which was deposited into the T-30 Account on July 2, 2002, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2268, in the amount of \$300.00, for Lot #25, in the Fox Den Subdivision, on Jacob Road, which was deposited into the T-30 Account on January 7, 2004, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2273, in the amount of \$300.00, for Lot #26, in the Fox Den Subdivision, on Jacob Road, which was deposited into the T-30 Account on February 9, 2004, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2222, in the amount of \$300.00, for Lot #28, in the Fox Den Subdivision, on Jacob Road, which was deposited into the T-30 Account on March 25, 2003, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2149, in the amount of \$300.00, for Lot #31, in the Fox Den Subdivision, on Oscar Court, which was deposited into the T-30 Account on July 31, 2001, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2171, in the amount of \$300.00, for Lot #34, in the Fox Den Subdivision, on Oscar Court, which was deposited into the T-30 Account on March 21, 2002, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2224, in the amount of \$300.00, for Lot #19, in the Fox Den Subdivision, on Jordan Drive, which was deposited into the T-30 Account on April 10, 2003, and

WHEREAS, Marc Wallack, as applicant, heretofore filed Landscape Bond #2326, in the amount of \$300.00, for Lot #10, in the Fox Den Subdivision, on Jacob Road, which was deposited into the T-30 Account on January 11, 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 \$3,600.00, may be released, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced Landscape Bonds, totaling \$3,600.00, are hereby released to Mr. Marc Wallack, Fox Den Development Corp., 18 East 64th Street, New York, NY 10065.

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

WPC IMPROVEMENT PROJECT
ELECTRICAL PORTION – MESUDA ELECTRIC, INC.
CHANGE ORDER #1 – RELOCATION OF ELECTRICAL DUCT BANK
RESOLUTION #355

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

WHEREAS, the NYC DEP has authorized the scope of work as additional services, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Change Order (#1) with Mesuda Electric Inc., for the WPC Improvement Project, for the relocation of an electrical duct bank, in the amount of \$24,667.43.

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

WPC IMPROVEMENT PROJECT
GENERAL CONTRACT PORTION – CARLIN CONTRACTING, INC.
CHANGE #2 – INSTALLATION OF TEMPORARY ACCESS ROAD
RESOLUTION #356

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

WHEREAS, the NYC DEP has authorized the scope of work as additional services, NOW, THEREFORE BE IT

RESOLVED, that the Town board authorizes the Town Supervisor to sign a Change Order (#2) with Carlin Contracting co., Inc., for the WPC Improvement Project for the installation of a temporary access road, in the amount of \$18,528.95.

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

REQUEST TO MODIFY
YORKTOWN CONSOLIDATED WATER DISTRICT TO INCLUDE HILLTOP
HANOVER FARM – PARCELS 48.19-1-20 AND 48.20-1-1
RESOLUTION #357

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

WHEREAS, the Town of Yorktown Town Board is desirous of including two parcels of land into the Yorktown Consolidated Water District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby incorporate the following lands into the Yorktown Consolidated Water District.

Town of Yorktown New Tax Map Identification: Hilltop Hanover Farm

48.19-1-20 West Side
48.20-1-1 East Side

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

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown

