

Regular meeting held by the Town Board,
Town of Yorktown on December 7, 2010 held at
Yorktown Town Hall, Yorktown Heights, NY.

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

Absent: Nicholas Bianco, Councilman

TOWN BOARD MEETING

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

PLEDGE OF ALLEGIANCE

Justin Reed 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.

DURING THE SUPERVISOR'S REPORT TO THE TOWN, Supervisor Siegel introduced Carl Anderson, of the Yorktown Lion's Club.

Mr. Anderson, a Past President of the Yorktown Lion's Club explained that his club joined other Lions Clubs around the world sponsoring their annual Peace Poster Contest. This year's theme was "A Vision of Peace." The winning poster in Yorktown was done by Remi Utrreta, a 6th grade student at Copper Beech Middle School who will receive a \$100.00 Savings Bond.

PROCLAMATION

Councilman Patel read the following proclamation:

WHEREAS Justin B. Reed, a Boy Scout from the Town of Yorktown Troop 38, has achieved the highest rank in Scouting that of Eagle Scout and;

WHEREAS Justin B. Reed has received this honor for his diligent work on behalf of Scouts and this community and for having the perseverance to keep with Scouting through his teenage years and to honor its tenets; and

WHEREAS Justin B. Reed is applauded for his leadership for coordinating the installation of a brick pathway in the courtyard of Benjamin Franklin Elementary School, where he attended seven years earlier, which will lead to the future garden area for students to enjoy planting and maintaining their class garden; and

WHEREAS Justin B. Reed, in having attained this highest rank in Scouting and joining the ranks of an elite cadre of youths, is deserving of the recognition of the entire population of the Town of Yorktown;

NOW, THEREFORE, I, SUSAN SIEGEL, Supervisor of the Town of Yorktown, along with the Town Board express congratulations to Eagle Scout Justin B. Reed and in recognition of his achievement, this proclamation is presented.

Eagle Scout Justin Reed thanked the members of the Board for bestowing this honor upon him. He also thanked Councilman Patel for sharing in his Court of Honor.

Councilman Patel also congratulated the Lakeland High School Hockey Team which came in second during the New York State Competition. He also spoke about the Grand Opening of the Holiday Exhibit at the Yorktown Museum. He said the puppet show featured real puppets.

Supervisor Siegel stated that the Town of Yorktown is almost ready to begin a new instructional computer program for seniors at the Yorktown Community and Cultural Center. She thanked Councilman Patel donated \$6,500 to cover the cost of computers and software. The Supervisor also thanked the owners of Sullivan Data Management Company who agreed to provide services to the program for free for one year.

Councilman Murphy spoke on behalf of the D'Amato family who lost a daughter in a car accident. She stated that Lauren D'Amato's mother Catherine wished to thanked everyone for their help and prayers.

APPOINTMENT WATER DEPARTMENT
KENNETH RUNDLE – ASSISTANT WATER WORK SUPERINTENDANT
RESOLUTION #540

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

BE IT RESOLVED, that Kenneth P. Rundle is hereby appointed Assistant Water Work Superintendent Grade I, job class code 0618-01, from Eligible List No. 67-517, in the Water Department, effective January 1, 2011 to be paid from Yorktown CSEA Salary Schedule A, Group 16, Step 4 which is \$72,887.00 annually;

BE IT 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 January 1, 2011.

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

Mr. Rundle thanked the Town Board for his appointment. He also thanked Eric DiBartolo who recognized his talents when he took over the department in 2008. Mr. Rundle also thanked his current Department Head, David Rambo for his trust, and his colleagues in the Water Department for their assistance.

APPOINTMENT WATER DEPARTMENT
PAUL A. VASILLO - WATER MAINTENANCE FOREMAN
RESOLUTION #541

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

BE IT RESOLVED, that Paul A.Vasillo is hereby appointed Water Maintenance Foreperson, job class code 0610-01, from Eligible List No. 75-619, in the Water Department, effective December 8, 2010 to be paid from Yorktown CSEA Salary Schedule A, Group 14, Step 4 which is \$65,968.00 annually;

BE IT 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 December 8, 2010.

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

RETIREMENT – GAYLE CHASE

Supervisor Siegel read with regret the retirement of Gayle Chase as an employee of the Water Department.

RETIREMENT – DIANE BARDEN

Supervisor Siegel read with regret the retirement of Diane Barden as an employee of the Water Department.

RETIREMENT – PATRICIA WEIS

Supervisor Siegel read with regret the retirement of Patricia Weis as an employee of the Building Department.

RETIREMENT – CHARLES MOSEMAN

Supervisor Siegel read with regret the retirement of Charles Moseman as an employee of the Water Department.

RETIREMENT – M. BRADLEY LEWIS, JR.

Supervisor Siegel read with regret the retirement of M. Bradley Lewis, Jr. as an employee of the Water Department.

APPOINTMENT – VOLUNTEER BOARD

DENNIS TATE – CABLE TV COMMITTEE

RESOLUTION #542

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

Resolved, that Dennis Tate is reappointed to the Cable TV Committee for a term of three years to expire on December 31, 2013.

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

APPOINTMENT – VOLUNTEER BOARD

FRANCIS MCVETTY – CABLE TV COMMITTEE

RESOLUTION #543

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

Resolved, that Francis McVetty is reappointed to the Cable TV Committee for a term of three years to expire on December 31, 2013.

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

APPOINTMENT – VOLUNTEER BOARD

MIKE BYRNES – CABLE TV COMMITTEE

RESOLUTION #544

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

Resolved, that Mike Byrnes is reappointed to the Cable TV Committee for a term of two years to expire on December 31, 2012.

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

APPOINTMENT – VOLUNTEER BOARD
MARTIN PROMISEL – CABLE TV COMMITTEE
RESOLUTION #545

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

Resolved, that Martin Promisel is reappointed to the Cable TV Committee for a term of one year to expire on December 31, 2011.

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

APPOINTMENT – VOLUNTEER BOARD
GEOFFREY WHEELER – CABLE TV COMMITTEE
RESOLUTION #546

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

Resolved, that Geoffrey Wheeler is appointed to the Cable TV Committee for a term of two years to expire on December 31, 2012.

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

APPOINTMENT – VOLUNTEER BOARD
GEOFFREY WHEELER – CHAIRMAN -CABLE TV COMMITTEE
RESOLUTION #547

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

Resolved, that Geoffrey Wheeler is hereby appointed Chairman of the Cable TV Committee.

Supervisor Siegel stated it is the Town Board's discretion to appoint the Chairman of this committee.

Councilman Martorano stated that he feels that the members of the Cable Committee should decide for themselves who they want as Chairman. He had the pleasure of meeting Mr. Wheeler a few moments ago and is very pleased that he has agreed to serve on the committee. But, there are people who have served on this committee for years and it is not right to appoint a new person to the committee and right away appoint them as Chairman. However, it has been my policy not to vote against anyone who is volunteering and I will not do that tonight.

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

APPOINTMENT – VOLUNTEER BOARD
ROBIN STIEBEL – COMMUNITY HOUSING BOARD
RESOLUTION #548

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

Resolved, that Robin Stiebel is appointed to the Community Housing Board for a term of six years to expire on December 31, 2016.

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

RESIGNATION – VOLUNTEER BOARD
BILL RUBIN – CABLE TV COMMITTEE

Supervisor Siegel read with regret the resignation of Bill Rubin as a member of the Cable TV Committee.

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Matthew Cossolotto, a resident of the Town of Yorktown and author of the book, Habit Force spoke about a new book that he is currently writing which speaks to the power of making promises. Mr. Cossolotto stated that he chose May 14th, 2010 as his Promise Day. He hopes to that communities will begin “Make a Promise Day.” If people turn their goals into promises, they’ll get more out of life.

Mr. Al Boutross, a member of the Senior Advisory Committee thanked Councilman Patel for keeping a promise he made in 2008 at Yorktown Stage. He told us the seniors that he would donate a number of computers and software to the senior center and he kept his promise. He also thanked Glenn and Diana Sullivan for their generous contribution. Mr. Boutross stated that what the Senior Committee is looking for now are volunteers who will serve as teachers and coaches.

Mr. Don Roberts stated that at last week’s Budget Hearing, he asked why the budget for legal research went from \$5,000 to \$10,000. He was subsequently told that it was for an on-line law subscription. After thoroughly checking the budget he found that the John C. Hart Library also has a subscription to the same legal service. Mr. Roberts asked the members of the Town Board if the Town could get a license for the subscription which would allow us to use it at the Library and in Town Hall. Mr. Roberts also brought up the Police Department’s equipment line. He stated that the Chief explained that the cost of the Live Scan Program was \$26,000, which was far less than the \$37,000 originally budgeted for this item. He also stated that the Chief McMahon said that his Department received a grant for the equipment. If the Live Scan was paid for by a grant, perhaps the Town can apply the funds in his line this year, 2011. Mr. Roberts also stated that he was still concerned that there was no contingency funding. He concluded his comments by stating that members of The United Tax Payers of Yorktown have identified more than \$200,000 in expenses which should be looked at.

Mr. Sam Rosenfeld, expressed his disappointment about not getting a Dog Park in 2010. He stated that this Board has worked on this issue for a year and nothing has happened. He questioned their commitment. All the Dog Park Committee wants is the Town to do is identify one acre of land.

Ms. Patty Peckham, Co-Chair of Green Yorktown spoke of the threat of methane drilling in New York State and its effect on the water supply. Governor David Paterson has until Monday to sign legislation adopted by the New York State Assembly and Senate which places a moratorium on hydraulic horizontal drilling for methane in the Marcellus and Utica Shales in New York. She urged everyone to go unnaturalgas.org to become better informed on the subject.

Mrs. Jennie Menton asked if the Town Board made a decision concerning the request by the Jefferson Village Senior Club for a \$600 donation for entertainment.

Mr. Ray Arnold read a two page prepared statement, a copy of which is on file under Town Board Comments from December 7, 2010. He spoke of what he called the status, or composition of what the Town Board calls its Comprehensive Plan. The letter states that up until this present plan, Master Plans were prepared by the Planning Board, the Town Board’s lay professionals.”

Mrs. Lisa Tomeny, a representative of the Alliance for Safe Kids (ASK) spoke about the recent Youth Leadership Conference that was held in White Plains with more than 250 young people in attendance. Locally, ASK will begin its Youth Court. Eleven kids have signed up for training which is given by the Yorktown Police Department and Yorktown Justices Ilan Gilbert and Salvatore Lagonia. The young people will begin hearing misdemeanor cases. ASK conducted another Yorktown Compliance Check where we send underage young people into establishments to see if they could purchase alcohol or cigarettes. We went into 15 establishments and they all passed.

Mr. Steve Gardner stated that in 1929 New York State was the most prosperous state in the union. Since then, our economic status has steadily declined. In addition to the state not having money, they have hurt local governments by sending down unfunded mandates. Hopefully our newly elected officials may be able to place a moratorium on these mandates.

Mr. Anthony Grasso stated that he thinks the proposed budget is cute and clever. On the revenue side, you have far underestimated the sales tax. Also, on the revenue side, the Recreation Commission shows \$1 million in fees. The trouble is that it costs \$3 million to run these programs. He asked that the Town Board consider raising fees. Mr. Grasso also suggested that the Town Board look at its debt service. There are bonds that town residents are paying 4&-5% in interest. What about floating new bonds for one and a half percent? Mr. Grasso also stated that due to some new hires, the Town spent money that was not in the budget, this is something no one has talked about.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel responded to some comments as follows:

“Make A Promise Day” is a fantastic suggestion. She hopes Mr. Cossolotto will return in April .

The Town is tentatively looking at having computer classes for seniors in the morning, afternoon and evening.

The Board will be discussing the comments concerning the Budget at next week’s work session.

The Town Board is committed to having a Dog Park. Unfortunately, when this Board came into office we inherited the Trump site. We were never told that we had to lease the entire site. We have tried to act in good faith but we are dealing with a bureaucracy known as the State of New York. The Board plans to talk to the incoming state legislators about fast tracking our proposal.

She thanked Ms. Peckham for her information and suggested that the Town Board might want to pass a resolution that would allow me to send a letter to the Governor asking that he sign the legislation.

The Jefferson Valley Senior Club was sent a letter stating that they would not be getting entertainment funding from the Town of Yorktown this year.

Supervisor Siegel explained to Mr. Arnold that his presentation did have some valid parts, but that laws and practices have changed since he worked in the Planning Department.

The Supervisor thanked the Alliance for Safe Kids volunteers for all they do for the community.

Mr. Gardner, we do have to live with unfunded mandates, its regrettable but a fact.

Mr. Grasso, we will address your concerns at next week’s work session.

Councilman Martorano offered the following comments:

He thanked Mr. Grasso for his input.

The Councilman also thanked Mr. Cossolotto for speaking about his book on the power of promises. The discussion made him think about Joan Valenstein who passed away earlier this year. She was a woman who made promises to the community and lived up to each and every one of them.

Councilman Murphy offered the following comment:

Mr. Cossolotto, “Make a Promise Day” is a wonderful idea.

Councilman Murphy reiterated much of what the Supervisor had stated about the Dog Park. This Board did not know that we would be leasing the entire 153 acres. There is a log jam in Albany, we are trying to get permission from New York State to have the Yorktown Fire Department conduct a controlled burn of the buildings, but nothing is happening. Dr. Katz, our newly elected Assemblyman has agreed to fight for us when he gets to Albany.

Ms. Peckham, thank you for your update on legislation concern the ehydraulic horizontal drilling of methane.

ASK thank you for doing a great job.

Mr. Grasso, thank you for your input.

Councilman Patel thanked all for their comments. He also spoke about Mr. Cossolato's book on making promises. Councilman Patel stated that he will not forget the promise that he made to the community when he was elected which was to save the community money.

ADVERTISE BID

HIGHWAY MATERIALS – HIGHWAY DEPARTMENT

RESOLUTION #549

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 21st, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Stone, Gravel and Concrete Material Bid.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the 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 the 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, NY 10598, marked: "Bid: Stone, Gravel and Concrete Material Bid.

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

ADVERTISE BID HIGHWAY RENTAL EQUIPMENT – HIGHWAY DEPARTMENT

RESOLUTION #550

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 21st, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Highway Equipment Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the 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 the 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, NY 10598, marked: "Bid: Highway Equipment Bid.

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

AUTHORIZE SUPERVISOR TO SIGN
CONTRACT WITH SULLIVAN DATA FOR IT SERVICES
RESOLUTION #551

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Sullivan Data Management Inc. for management, maintenance, troubleshooting and repair of the existing network infrastructure at the Town Court, Police Department and Town Hall. The contract extends the existing contract for network support for the Town Court. The contract amount is \$42,950.00 and the term is for one year, from September 1, 2010 through August 31, 2011; the term for the support of the Police Department network system is retroactive to July 1, 2010.

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

AUTHORIZE THE TRANSFER OF BUDGET FUNDS FOR YORKTOWN SEWER
DISTRICT
RESOLUTION #552

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

Whereas, on July 20, 2010 the Town Board authorized Stearns & Wheeler to perform a Phosphorus Removal Optimization Study and CMOM (Capacity Management and Operations Maintenance) for the total amount of \$202,400, funded from the Yorktown Sewer District, and

Whereas, the total amount shall be funded from the Yorktown Sewer District fund balance, now,

Therefore, be it resolved, a 2010 budget transfer shall be approved increasing line YS 8130.479, Special Projects and YS 1002, Appropriated Fund Balance in the amount of \$202,400.

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

AUTHORIZE THE TOWN SUPERVISOR TO SIGN INSURANCE AGREEMENTS FOR
2011
RESOLUTION #553

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

Whereas, the Town Board hereby authorizes the Supervisor to contract with Fairfield County Insurance Services for insurance coverage for the year effective 12/31/10-12/30/11 in accordance with the attached listing.



**Fairfield County Bank
Insurance Services**

December 6, 2010
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: Insurance Renewal 12/31/10

Dear Joan;

Please be advised that the Commercial Insurance Renewal premiums for the 12/31/10 through 12/31/11 period is as follows:

Property - Axis Insurance Company	\$	47,744.00	
Inland marine - Axis Insurance Co	\$	4,383.00	
General Liab - Argonaut Ins Co	\$	91,877.00	
Professional Liab - Argonaut Ins Co	\$	28,475.00	
Police Professional-Argonaut Ins Co	\$	45,510.00	
Comm Auto Liab - Argonaut Ins Co	\$	60,108.00	
Comm Auto Phys Dam - Argonaut Ins	\$	43,453.00	
Excess Liab - Argonaut Ins Co	\$	65,473.00	
Workers Comp - Safety National	\$	43,347.00	
Excess Employers Liab - USLI	\$	5,690.00	
OCP - NY DEPT of Transportation	\$	200.00	
NY MV Fees	\$	1,780.00	
NY Fire Fee	\$	375.61	
Total premium:	\$	438,481.61	
Agency Fee	\$	35,000.00	
Total Cost for Policies listed above	\$	473,481.61	
Pollution Caitlin Insurance Co	\$	77,000.00	* 3 year policy prem (Annual \$26642)
Taxes and Fees for Pollution	\$	2,926.00	Tax 3.8% for 3 yr policy
Total Cost for Policies listed above	\$	553,407.61	

Policies not included in above outline: Crime renewal date in April 4th, 2011, Accident & Health renewal date March 31st, 2011, Flood - Travelers renewal date in Nov, 2011, 5 Park Districts various renewal dates from June through September, 2011.

Please call me at (203)894-3188 if I can be of any assistance to you.


Joan Martorano

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

RELEASE LANDSCAPE BOND

BERT LANE #2346

RESOLUTION #554

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

WHEREAS, Bert Lane, as applicant, heretofore filed Landscape Bond #2346, in the amount of \$300.00, for Lot #27, on Old Jefferson Valley Road, which were deposited into the T-30 Account on April 15, 2010, 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 \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2346, in the amount of \$300.00 be and is hereby released to Mr. Bert Lane, P.O. Box 107, Granite Springs, NY 10527.

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

ACCEPT FEE AND BOND – DAVID MARRICCO

EXCAVATION PERMIT #E-049-10

RESOLUTION #555

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

WHEREAS, David Marricco, as applicant and developer, provided the Town with Check #1-1288/260, in the amount of \$1,500.00, to serve as the Erosion Control Bond for Excavation Permit #E-049-10, for the Marricco Minor Subdivision, located on Indian Hill Road, and

WHEREAS, David Marricco, as applicant and developer, provided the Town with Check #1-1288/260, in the amount of \$1,000.00, to serve as the required Inspection Fee for Excavation Permit #E-049-10, for the above referenced subdivision, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced subdivision.

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

RELEASE ESCROW DEPOSIT

ACCOUNT #1121

RESOLUTION #556

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposits:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1121	\$350.00		

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

RELEASE ESCROW DEPOSIT

ACCOUNT #004-10

RESOLUTION #557

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposits:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	004-10	\$1,000.00		

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LAND COMMUNICATIONS, INC. FOR INSTALLATION OF A TOSHIBA STRATA CIX DIGITAL KEY TELEPHONE SYSTEM

RESOLUTION #558

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Land Communications, Inc. for installation of a Toshiba Strata CIX Digital Key Telephone System at the Yorktown Justice Court and annual maintenance of such system. The contract amount is a one-time payment of \$5,715.00 for installation and \$550 per year for annual maintenance for the four years commencing November 1, 2011; to be funded with grant funds obtained from the Justice Court Assistance Program (JCAP).

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

REAPPOINT – UTILITIES OVERSIGHT COMMITTEE

RESOLUTION #559

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

WHEREAS, on October 26th, 2010, the Town Board reappointed members of the Utilities Oversight Committee to new terms of staggered duration,

WHEREAS, Daniel Lefkowitz was reappointed to a three-year term, and Anthony Forcelli was reappointed to a two-year term, and both have requested an exchange of term limits,

RESOLVED, the Town Board hereby reassigns Daniel Lefkowitz to a two-year term to expire on 10/31/2012, and Anthony Forcelli to a three-year term to expire on 10/31/2013.

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

APPROVE REQUESTS TO CARRYOVER VACATION TIME
RESOLUTION #560

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

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry 2010 accrued vacation time for use in 2011, and

WHEREAS, the comptroller has confirmed the available balances, now

THEREFORE BE IT RESOLVED, the following employees may carry the time balances next to their name:

Glen Cameron	30 hours	Nancy Milanese	28 hours
Patricia Caporale	35 hours	Kathie Nicholson	42 hours
Shajan George	10 hours	Kim Penner	51 hours
Joe Hughes	40 hours	Janet Protano	70 hours
Barbara Korsak	54 hours	Joe Venitucci	49 hours
Martin McGannon	133 hours		

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

AUTHORIZE THE SUPERVISOR TO RETAIN THE LAW FIRM OF WORMSER,
KIELY, GALEF & JACOBS, LLP TO REPRESENT THE TOWN IN THE MATTER OF
ROBERT MANOCHERIAN, ET AL V. ZONING BOARD OF APPEALS
RESOLUTION #561

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

RESOLVED, that the Town board authorizes the Town Supervisor to retain the law firm Wormser, Kiely, Galef & Jacobs, LLP to represent the Town in the matter of Robert Manocherian, et al. v. Zoning Board of Appeals, Town of Yorktown (Sup. Ct. Westchester County Index No. 29332/10), in accordance with the terms of the retainer agreement with Wormser Kiely dated March 15, 2010, plus disbursements.

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

AUTHORIZE THE SUPERVISOR TO RETAIN THE LAW FIRM OF WORMSER,
KIELY, GALEF & JACOBS, LLP TO REPRESENT THE TOWN IN THE MATTER OF
3JIK PROPERTIES, LLC, ET AL. V. TOWN OF YORKTOWN, ET AL. (SUP. CT.
PUTNAM COUNTY INDEX NO. 3551/2010)
RESOLUTION #562

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

RESOLVED, that the Town board authorizes the Town Supervisor to retain the law firm Wormser, Kiely, Galef & Jacobs, LLP to represent the Town in the matter of 3JIK Properties, LLC, et al. v. Town of Yorktown, et al. (Sup. Ct. Putnam County Index No. 3551/2010), in accordance with the terms of the retainer agreement with Wormser Kiely dated March 15, 2010, plus disbursements.

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

AUTHORIZE THE SUPERVISOR TO RETAIN THE LAW FIRM OF VOUTE, LOHRFINK, MAGRO & COLLINS, LLP TO REPRESENT THE TOWN IN THE MATTER OF JOSEPH M. ADRIAN, ET AL. V. TOWN OF YORKTOWN RESOLUTION #563

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

RESOLVED, that the Town board authorizes the Town Supervisor to retain the law firm Voute, Lohrfink, Magro & Collins, LLP, to represent the Town in the matter of Joseph M. Adrian, et al v. Town of Yorktown (Sup. Ct. Westchester County Index No. 21378/2006), for work not reimbursed by Arrowood Indemnity Company commencing September 13, 2010, in accordance with the terms of the retainer letter of Ralph Schoene, Esq. dated December 1, 2010.

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

AUTHORIZE THE SUPERVISOR TO COMPENSATE ROMAN & ASSOCIATES \$125.00 FOR THE COURT APPEARANCE OF BRYAN ROMAN, ESQ. ON BEHALF OF THE TOWN OF YORKTOWN IN THE MATTER OF GLORIA ROSENBERG V. INDY MAC ET AL RESOLUTION #564

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

RESOLVED, that the Town board authorizes the Town Supervisor to compensate Roman & Associates \$125.00 for the court appearance of Bryant Roman, Esq. on November 10, 2010 in Kings County Supreme Court made on behalf of the Town in the matter of Gloria Rosenberg v. IndyMac et al. (Sup. Ct. Kings County Index No. 17529/2010).

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

AUTHORIZE SUPERVISOR TO SIGN AN AMENDED CONTRACT WITH WESTCHESTER COUNTY EXTENDING OUR COMMITMENT TO PROVIDE \$226,063 TOWARDS THE PURCHASE OF THE DEVELOPMENT RIGHTS OVER HEMLOCK HILLS FARM THROUGH JULY 31, 2011 RESOLUTION #565

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

Resolved, that the Supervisor is authorized to sign an amended contract with Westchester County extending the Town's commitment to provide \$226,063.00 towards the purchase of the development rights over Hemlock Hill Farm from July 31, 2010 to July 31, 2011.

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

AUTHORIZE SUPERVISOR TO SIGN A ONE YEAR RENEWAL CONTRACT WITH JFJ FUEL INC./VALLEY OIL FOR ANNUAL MAINTENANCE AND SERVICE ON TOWN FURNACES AND BOILERS RESOLUTION #566

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

RESOLVED, that the Annual Maintenance and Emergency On-Call Service for Town Boilers and Furnaces for the Town of Yorktown be hereby extended for one year per the terms of the bid agreement to JFJ Fuel Oil/Valley Oil Company, 705 Nepperhan Avenue, Yonkers, New York 10703. The date of the extension will be from January 1, 2011 through December 31, 2011.

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

WIPE OUT LIENS
ON PARCEL NUMBER 20-03-31 TOTALING \$47,962.88
RESOLUTION #567

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

Whereas the Town of Yorktown wishes to remove a lien from 2004 on former parcel 20.03-31-No Lot which was not deleted from the tax roll when the parcel was subdivided in 2004 into lots 1-5, and

Whereas the appropriate taxes were paid on the five newly created parcels,

Now therefore be it resolved that the \$47,962.88 lien on former parcel 20.03-31-No Lot is hereby removed.

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

REFERRAL
FUSCO – REQUEST FOR A DRIVEWAY GRADE VARIANCE FOR PROPERTY
LOCATED AT 3477 STONY STREET
RESOLUTION #568

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

RESOLVED, that application from Fusco for a Driveway Grade Variance be and is hereby referred to Emergency Services, Planning Department, Planning Board, Conservation Board and Town Engineer for review and recommendation.

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

CONVENE PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 115 ENTITLED ANIMALS

Supervisor Siegel convened a public hearing to amend Chapter 115 of the Code of the Town of Yorktown entitled “ANIMALS,” to establish a municipal dog licensing program and to amend fees related to the impoundment of dogs. Affidavits of Posting and Publication were presented by the Town Clerk.

Town Clerk Alice Roker explained that as of December 31, 2010, the New York State Department of Agriculture and Markets will be ending its dog licensing program. Unfortunately, the legislation requires local governments to come up with its own dog licensing program. We have, but the cost of dog licenses will increase as of January 1, 2010. The cost of licensing a neutered or spayed dog will go from \$7.50 to \$12.50. The cost of a non-neutered or non-spayed dog will go from \$15.50 to \$19.50. The cost of having a dog picked up by our Animal Control Officer will also go up. We have no choice in the matter because this is one of those unfunded mandates.

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 Murphy.

LOCAL LAW #15 OF 2010
RESOLUTION #569

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

WHEREAS, a public hearing was convened on December 7, 2010, pursuant to notice duly published as required by law to amend Chapter 115 of the Code of the Town of Yorktown entitled “ANIMALS,” to establish a municipal dog licensing program and to amend fees related to the impoundment of dogs. Now therefore be it

RESOLVED that Local Law #15/2010, 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 Martorano	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Supervisor Siegel	Voting	Aye

Local Law #15/2010 was thereupon declared adopted.

RECONVENE PUBLIC HEARING
PROPOSED LOCAL LAW REPEALING AND RE-ENACTING CHAPTER 270
ENTITLED "TREES"

Supervisor Siegel reconvened a public hearing to repeal and reenact chapter 270 of the Code of the Town of Yorktown entitled "TREES," relating to establishing a program for the preservation, protection and maintenance of the individual trees and the Yorktown Forest, Amend Chapter 10, Article VIII Section 10-26. Amend Chapter 165, Section 165-7. Amend Chapter 178, Section 178-9. Amend Chapter 195- Section 195-15, Section 195-25, Section 195-26, Section 195.40.

Supervisor Siegel read a letter from Mr. Arthur R. Bartosch dated December 7, 2010, a copy of which is on file in the local law folder on trees. In his letter Mr. Bartosch stated that the original intent of the ordinance was to prevent clear cutting of trees without any oversight. The proposals of a Yorktown forest, mitigation, mitigation fees, this is where the ordinance now swings too far to the other extreme. Stick with the original intent of the tree ordinance to prevent clear cutting."

Mrs. Ann Kutter, co-author of the law and Mr. William Kellner, Chairman of the Yorktown Tree Commission made presentation.

Mrs. Kutter spoke about the current proposal which does not prevent anyone from removing trees on their property. There will be a permitting procedure in place. This legislation will make finding the law concerning trees simpler. Right now, there are several chapters of the Town Code that deals with trees. Protected trees are defined differently. Mrs. Kutter also spoke about a report that stated that the lower Hudson Valley is not regenerating good trees. Mrs. Kutter spoke of how removing trees work now; a visit to the Town Engineer or E-Panel. She also explained how the new permitting procedure would work, particularly what would happen to residents who want to remove more than 30% of any combination of the three layers of woodland vegetation.

Mr. William Kellner thanked Mrs. Kutter and her co-author Linda Miller for their assistance with this legislation. He also highlighted some of the changes made to the legislation since the last public hearing:

1. The Community Forest is now called the Yorktown Forest
2. Overt language has been inserted to stipulate that there will be no take over of trees on private lands
3. Permitting fees have been removed
4. Changes have been made to the definition of agricultural activity it now mentions orchards. It also includes small operations that would not be considered a farm.
5. The definition of regulated buffer is clearer
6. Mitigation costs have been included in the law
7. Penalties have been capped.
8. The law will not become effective until 60 after its passage.

Mrs. Judy Bernstein asked a series of questions:

- A. What do you consider a function of a tree?
- B. What is on the inventory of specimen trees?

- C. What is a Community or Yorktown Forest.?
- D. What do you consider a regulated buffer on watershed property to be?

Mr. John Schroeder, President of the Yorktown Land Trust thanked the authors of the legislation and the Tree Commission. We support this legislation. We have been behind the concept of this type of protection for some time. As Mrs. Kutter pointed out earlier, this area is not getting the type of tree regeneration we need.

Mrs. Alana Cuffitelli handed the Town Board a map of the Mohegan Lake Business District in the Towns of Yorktown and Cortlandt, a copy of which is on file in the ordinance folder. She stated that the Yorktown Forest has her confused. This seems like you just changed the words from Community Forest to Yorktown Forest. Ms. Cuffitelli stated that she agrees with the letter written by Mr. Bartosch. There needs to be a law prohibiting clear cutting, but this one goes too far. You are looking to have rights over private property. This is a violation of the constitution.

Councilman Martorano and Ms. Cuffitelli spoke for several minutes concerning such issues as whether zoning violated her constitutional rights and which amendment she believes the law violated.

Mr. Randy Pratt stated that while he has not looked at the current legislation, he doesn't believe the agricultural exemption goes as far as it should. If a farmer wants to change his trees to a pumpkin crop, he should not have to ask this body for permission. He further stated that those with forestry plans already have more stringent regulations thrust upon them.

Mr. Gregory Bronner stated that this draft is better than the previous one.

Councilman Martorano asked Mr. Bronner to thank his father for helping us make some of the changes in the current draft.

Mr. Bronner spoke of a recent incident where a two inch tree fell and ripped out six poles which led to a fire in his home. He stated that property owners are more qualified to determine when a tree should be removed than the government. Mr. Bronner spoke about other concerns he had including the fact that the ordinance continues to be vague when it comes to cutting trees. He believes the Town is setting itself up for additional Article 78 proceedings that would come from property owners who do not want their neighbors to get a permit. Mr. Bronner stated that there is a tremendous economic impact associated with this legislation. He expressed concern regarding the section on arborist; there are only four certified arborists in the Town of Yorktown. Mr. Bronner spoke of the early history of tree legislation. It was primarily to protect street trees in communities; that same justification cannot be applied to my property. Clearly the purpose of the early legislation is different from legislation that has been adopted since the 1970's. He believes that the ordinance does protect some trees in buffer zones, but nothing else. This will be an inefficient economic process which doesn't benefit the Town very much. He would like someone to show him the economic effect of other tree ordinances. Mr. Bronner further stated that this also appears to be another barrier to development in the Town of Yorktown. If you take away someone's development rights, they might want a reassessment of their property. It is not clear to him if this will be a valuable law, but he knows that it will be somewhat expensive. Mr. Bronner also stated that the aerial photography mentioned within the ordinance cannot be used as an enforcement tool.

Mrs. Jennie Sunshine spoke in favor of the legislation. She spoke of neighbors who have cut down trees on their property. This has changed the character of my neighborhood. Mrs. Sunshine added that she hopes there will be an educational component to the new law.

Mr. Paul Moskowitz, Chairman of the Yorktown Energy Advisory Committee stated that we have support this legislation from the inception.

Mr. Edward Ciffone stated that he was against the tree ordinance. He wondered why you would make one law take up twenty five (25) pages.

Councilman Martorano stated that he has asked Mrs. Kutter to provide the community with a simple over view because he agrees, it is onerous. It should be encapsulated.

Mr. Ciffone stated that the Town cut down 10,000 trees at the Legacy Ball Field site. Two people on the Town Board voted against placing a moratorium on Con Ed's cutting vegetation near its power lines. He further stated that he doesn't want to be told by a committee what to do on his private property. The laws you adopt should be made simple for everybody.

Mr. Albert Capellini, an attorney stated that he has already expressed his views on why he doesn't believe this law is necessary. If the Town Board does decide to adopt the legislation, he asked that developments that have already gone through the approval process be exempt from the regulation. He expressed concern that this would be another obstacle to moving a project forward.

Mr. Marc Wallack, asked the Town Board not to trample on the rights of our few remaining farmers. We should not penalize people who have been diligently working their land, this is an abomination. Mr. Wallack spoke about a lawsuit he brought and won against the Town of Yorktown. We should not be looking at a law that may be emotional and have nothing to do with what is actually happening in the Town of Yorktown.

Ms. Patty Peckham, a representative of Green Yorktown stated that her group which represents a couple hundred people supports passage of this regulation. As a resident, taxpayer, farmer and large land owner she wants to see issues contained in this legislation addressed. Ms. Peckham spoke about the fact that farms are exempt from the regulation. The length of the document is long because it tries to provide clarity to this issue. She further stated that the actions we perform on our property do effect neighboring properties.

Mrs. Ann Kutter spoke of her co-author Linda Miller who she says has a PHD in Environmental Sciences and the wealth of knowledge that she brought to the table. She once again provided an overview of the legislation stating. The definition of agricultural activity has been broadened. Farms are exempt from the legislation. A tree has many functions including protecting the land from soil erosion. The Tree of Significance Program is voluntary. A protected tree is any tree with a dbh of six inches or greater and a minimum height of 25 feet. Residents can cut down hazardous trees. Speaking to Ms. Cuifitelli, she stated that we have tried to make this a fair process. Speaking to Mr. Bronner, Mrs. Kutter stated that there is only one area within the ordinance where an arborist is necessary. Addressing Mr. Capellini's concerns, she stated that the Town Engineer will be required to turn around a request for a permit in 5 days. If it is not handled non-administratively, then it is under the purview of the approval body. Mrs. Kutter explained that the aerial photography will be used as a resource not for enforcement. Mrs. Kutter also explained what mitigation was and why it was so important.

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 Murphy.

Supervisor Siegel stated that the latest version of the proposal will be posted on the Town's website.

SEQRA DETERMINATION
TREE LOCAL LEE
RESOLUTION #570

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

WHEREAS, the Town Board of the Town of Yorktown is considering adopting a local law relating to the protection of trees in the Town of Yorktown; and

WHEREAS this proposed local law is intended to protect the environment by encouraging the maintenance of existing natural growth; now therefore be it

RESOLVED, that the town board, being the sole approval authority, is lead agency by operation of law and that said legislation is determined to be a Type II action as to which no further review is required.

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

RECONVENE PUBLIC HEARING
RE-ZONINGS ASSOCIATED WITH COMPREHENSIVE PLAN ADOPTED
ON JUNE 15, 2010

Supervisor Siegel called to order a public hearing for the public to comment orally and/or in writing upon the proposed changes to the Zoning Text of the Town of Yorktown. This is an excerpt of original notices annexed to the minutes.

The minutes of this public hearing were taken by a court stenographer from Carbone and Associates, LTD., and will be on file in the Town Clerk's office when completed.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Supervisor Siegel motioned, seconded by Councilman Martorano. The Town Board will allow for a ten-day comment period.

Members of the Town Board all gave their perspective on the Comprehensive Plan.

Councilman Patel stated that young families cannot afford to live in the Town of Yorktown.

Councilman Murphy stated that the Town needed to open its doors to businesses. He spoke about a plan that he is working on.

Councilman Martorano agrees that times have changed from when this plan was started. He agreed that some of the re-zonings will hurt some people. He is hesitant to do anything that would place an additional burden on our property owners. He believes the pain of re-zoning far outweighs any benefit.

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Edward Ciffone stated that he along with other members of the United Taxpayers of Yorktown are looking for answers to the questions that we raised during the Budget Hearing. Many items in the budget are inflated. He asked the Town Board to keep the budget at the percentage it currently is while reducing spending and placing money in the contingency line.

COURTESY OF THE FLOOR IS CLOSED

EXECUTIVE SESSION

Councilman Martorano motioned, seconded by Councilman Murphy, to move into Executive Session for Collective Bargaining Negotiations.

ADJOURN

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

Alice E. Roker
Town Clerk
Town of Yorktown