

Regular meeting held by the Town Board,  
Town of Yorktown on February 16, 2010 held at  
Yorktown Town Hall, Yorktown Heights, NY.

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

#### TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Interim Town Attorney Daniel Pozin were also present.

#### 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.

#### DURING HER REPORT TO THE TOWN,

Supervisor Siegel offered the family of Keith Wilke the Town Board's sincere regrets. He died on February 12, 2010. Mr. Wilke worked for the Town of Yorktown for nearly twenty five years.

Supervisor Siegel stated that it is with sadness and happiness that she announced the retirement of Robert (Bobby) Gage. His last day on the job will be February 26, 2010.

Mr. Gage spent 36 years working for the Town of Yorktown. In his letter of retirement, Mr. Gage states that he looks forward to restoring a muscle car and hitting many golf balls.

The Town Board accepts the letter of resignation from Donald Beaumont, a Fire Marshall with regret. Mr. Beaumont has worked as a Fire Marshall for thirty years. The Supervisor announced that the Town was currently without a Fire Marshall. The Town's Building Inspector William Gregory will be working with the Supervisor to develop a plan as to where the Town goes from here.

The Department of Environmental Conservation has come up with a new "Green" schedule card for 2010. This card saves the Town \$6,000 in printing costs and provides property owners with the curbside recycle collection schedule, the 2010 holiday kitchen trash schedule and the 2010 bulk trash collection schedule. The information is also on line. The Department of Environmental Conservation recently won a Certificate of Achievement for its outstanding job on recycling.

The New York State Department of Transportation has transferred its March 11<sup>th</sup> public hearing the John C. Hart Library to the Nutrition Center. The meeting which will begin at 7:00PM and will provide residents with the opportunity to discuss a number of traffic improvements along the Route 202/35 corridor including a proposed traffic light at Pine Grove Court, and traffic work at the Bear Mountain Triangle.

The Town Board has begun work on revising the Ethics Code.

There are two openings on the Board of Assessment and Review. Anyone interested can send a letter to the Supervisor's office. She thanked John Kincart who spent

ten years on the Board of Assessment and Review. Mr. Natale Costanza served on the Board for eight years.

The public hearing on the Comprehensive Plan has been rescheduled from March 9, 2010 to March 23, 2010.

The Town has made significant progress concerning the creation of a dog park. New York State has told the Town that it could demolish the abandoned buildings and fill in the pool at the Trump State Park on Old Baldwin Road. The Town Board believes these abandoned structures increase the Town's liability. New York State is currently running tests for lead and asbestos. We are awaiting the results of those tests. The Yorktown Heights Fire District has expressed interest in burning the building while conducting a training exercise. The Fire Chief will get the proper permits from Westchester County and New York State. We are hoping that we will have answers to all of our questions within the next several weeks.

Supervisor Siegel provided the residents of Yorktown with a quick financial update; the Town received a check for the sales tax which came in at \$446,000 more than we expected which offset our mortgage tax which came in at \$341,000 less than we expected, The Town is expected to close 2009 with a fund balance of \$2.4 million which is \$600,000 less than in succeeding years. The previous Town Board took \$500,000 from the fund balance to reduce taxes. The Town will not be able to pay cash for capital improvements.

#### DURING THEIR REPORTS TO THE TOWN.

Councilman Bianco complimented the Highway Department as well as other town employees who have worked to clear the roadways of snow as quickly as possible. He also announced that the snow storm which began on February 10<sup>th</sup> and ended the next day cost property owners \$56,168.13 in overtime.

Councilman Martorano paid condolences to the Wilke family. He also wished Bobby Gage happiness in his retirement. Councilman Martorano stated that he was very sad to hear that Donald Beaumont had resigned.

Councilman Murphy stated that Assemblyman Gregory Ball is putting together a resolution concerning Child Safety Zones that he will be presenting to the Town Board at a future meeting.

Councilman Patel stated that he recently attended the 20<sup>th</sup> Anniversary Graduation of the DARE Program in the Town of Yorktown at Crompond School. Councilman Patel also attended the 100<sup>th</sup> Anniversary celebration of Boy Scout Pack 232.

#### COURTESY OF THE FLOOR

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

Mr. Steve Robbins, representing the Yorktown Dog Park Committee stated that it sounds like the Town is making progress with the dog park. He asked that the committee be kept informed about other issues that may arise regarding this property. Mr. Robbins wanted to know if there was a Plan B, an alternative location. He offered the services of the members of his organization. The Committee would also like the Town to establish a project time line for the dog park.

Mr. Angelo Frangella asked the Town Board for permission to paint over the graffiti that is on the sound barrier walls on Route 6 in Shrub Oak?

Dr. Charles Bierman spoke about a problem that he is having at the John C. Hart Library. He asked if it is a Library or a Community Center? Dr. Bierman stated that the days of having a quiet library are over.

COURTESY OF THE FLOOR IS CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel responded to nine of the issues raised during Courtesy of the Floor:

She thanked the Steve Robbins for his comments concerning the dog park. The Town still has some unanswered questions. We are gathering information relating to the cost of demolition, as well as filling in the pool. The Supervisor further stated that she has asked the Recreation Commission to look into a Plan B. She encouraged the Committee to continue their dialogue with the Town on this issue.

Highway Superintendent Eric DiBartolo asked who would hold the insurance for this live burn?

Supervisor Siegel stated that Yorktown Fire Chief Martin McGannon stated that his company will hold the insurance.

Supervisor Siegel thanked Mr. Frangello for his help in the fight against graffiti but stated that the Town could not give permission to him, that he would have to contact the New York State Department of Transportation. She stated that Mr. DiBartolo has offered to make the call for you.

Supervisor Siegel told Dr. Bierman that libraries are different today from what they were in the 1950's. She explained that her office has been in contact with him as well as the Hart Library Director. New York State law permits local Library Boards of Trustees to set standards of conduct in their libraries. The staff is apparently upholding those standards. The Town Board can not dictate what it believes should happen in a library to the Board of Trustees.

Councilman Vishnu Patel responded to a the representative of the Dog Park Committee by stating that the Town Board is one hundred percent in favor of getting this park built.

APPOINTMENT

JUDY SMITH – COMMUNITY HOUSING BOARD

RESOLUTION #81

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

BE IT RESOLVED, that Judy Smith is hereby appointed as a member of the Community Housing Board for a six-year term expiring February 28, 2016.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPOINTMENT

NANCY STENDER – COMMUNITY HOUSING BOARD

RESOLUTION #82

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

BE IT RESOLVED, that Nancy Stender is hereby appointed as a member of the Community Housing Board for a six-year term expiring February 28, 2016.

Mrs. Stender stated that she and her family have lived in the Town of Yorktown for eight and a half years. Her daughter goes to Lincoln Titus School and she does a lot of volunteer work.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPOINTMENT

DARLENE RIVERA - PLANNING BOARD

RESOLUTION #83

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

BE IT RESOLVED, that Darlene Rivera is hereby appointed as a member of the Planning Board for a five-year term expiring December 31, 2014.

Councilman Murphy stated that he wanted to have a discussion on this resolution as well as the next. He explained that seventeen people submitted applications for these two positions. He unfortunately did not take part in all of the interviews due to work commitments. Councilman Murphy stated that he will abstain from voting on these appointments.

Councilman Martorano stated that he was pleased with the turnout of applicants.

Supervisor Siegel stated that she too was pleased with the turnout. The Board was able to offer some of the applicants positions on other boards.

Siegel, Bianco, Martorano, Patel Voting Aye  
Murphy Abstain from Voting  
Resolutions adopted

APPOINTMENTS

RICHARD FON - PLANNING BOARD

RESOLUTION #84

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

BE IT RESOLVED, that Richard Fon is hereby appointed as an alternate member of the Planning Board for a five-year term expiring February 28, 2015.

Councilman Murphy stated that he wanted to have a discussion on the above two resolutions. He explained that seventeen people submitted applications for these two positions. He unfortunately did not take part in all of the interviews due to work commitments. Councilman Murphy stated that he will abstain from voting on these appointments.

Councilman Martorano stated that he was pleased with the turnout of applicants.

Supervisor Siegel stated that she too was pleased with the turnout. The Board was able to offer many of the applicants positions on other boards.

Siegel, Bianco, Martorano, Patel Voting Aye  
Murphy Abstain from Voting  
Resolutions adopted

Mrs. Darlene Rivera thanked the Town Board for her appointment. She and her family have lived in the Town of Yorktown since 2002. Mrs. Rivera formerly served on the Citizens Advisory Board on Traffic.

Mr. Fon also thanked the Town Board for his appointment to the Planning Board. He and his family have lived in the Town of Yorktown for eleven years. Mr. Fon will be leaving the Conservation Board as a result of this appointment.

REPEAL CHAPTER 10, ARTICLE VII

TRAFFIC BOARD IN ITS ENTIRETY

RESOLUTION #85

Upon motion made by Councilman Bianco, 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 Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 2<sup>nd</sup> day of March, 2010 at 7:30 PM, or as soon thereafter as the same can be heard, to amend Chapter 10 by repealing,

Article VII, Traffic Board in its entirety.

Section 10-19 Establishment of Town Traffic Board:

“The Town Board recognizes that it is important to give residents of the Town an opportunity to bring forth concerns regarding vehicular traffic in the community. Accordingly, the Town Board hereby establishes a Town Traffic Board (the “Board”) consisting of six town residents, to be hereinafter appointed by the Town Board, to meet to discuss traffic concerns in the community. The Board will meet each month, with the exception of July and August, at Town Hall. At least one member of the Town Board shall attend such meetings.”

A copy of the proposed Local Law 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, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE ADVERTISEMENT FOR  
ELECTRICAL WORK ON TOWN BUILDINGS BID  
RESOLUTION #86

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Electrical work on Town Buildings for Maintenance.

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: ELECTRICAL WORK ON TOWN BUILDINGS FOR MAINTENANCE”.

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

STREET LIGHT MAINTENANCE  
HIGHWAY DEPARTMENT  
RESOLUTION #87

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Traffic Light Work/Repair.

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: STREET LIGHT MAINTENANCE".

The Town of Yorktown 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

TRAFFIC LIGHT WORK / REPAIR  
HIGHWAY DEPARTMENT  
RESOLUTION #88

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 AM on March 1, 2010 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598, for Traffic Light Work/Repair.

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: TRAFFIC LIGHT WORK/REPAIR".

The Town of Yorktown 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.

REVISION OF DECEMBER 15, 2009 RESOLUTION  
P & M ELECTRIC'S HOURLY RATE  
RESOLUTION #89

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

RESOLVED, that the Town Comptroller is authorized to pay P&M Electric, Inc. for all services rendered between April 1, 2009 and December 31, 2009 including the prevailing wage rate set by the New York Department of Labor, at the hourly rate of \$179.00.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

ACCEPTANCE OF GRANT MONEY  
FOR SHRUB OAK PARK DISTRICT - PROJECT PKS-09-TA-0005  
RESOLUTION #90

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

WHEREAS, the Shrub Oak Park District is within the Town of Yorktown; and

WHEREAS, the Town of Yorktown has received approval for a New York State Parks, Recreation and Historic Preservation department grant specifically

Project PKS-08-TA-0005 in the amount of \$4,500.00; and

WHEREAS, said grant monies are for the purpose of beach enhancement defined as the purchase of shrubbery, fertilizer, mulch and weed block fabric and requires no matching funds; now

THEREFORE BE IT RESOLVED, the Town of Yorktown hereby accepts and authorizes the \$4,500.00 grant.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE BUDGET TRANSFERS FOR  
HIGHWAY DEPT AND DEC  
RESOLUTION #91

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

BE IT RESOLVED, the following 2010 budget transfers are adopted:

Decrease D 5110.101 by \$55,028.00  
Decrease D 5140.101 by \$46,820.00  
Increase D 5142.105 by \$101,848.00  
Decrease SR 7210.101 by \$42,532.00  
Increase SR 7210.0110 by \$42,532.00

Councilman Bianco called for discussion on the motion.

Supervisor Siegel explained that the Town Board filled three positions in the sewer department with two employees from the Highway Department and one employee from the Department of Environment Conservation. She further stated that the Board decided to not fill those vacancies immediately. We decided that we would temporarily park that money within the budgets of those departments. The department heads would have to justify the need for these workers. She further stated that in addition to those the two workers who were transferred from the Highway Department to the Sewer Department there are two other vacancies, one caused by the death of Mr. Wilke, the other by the retirement of Mr. Gage. The Highway Superintendent has permission to fill those last two positions.

Councilman Bianco stated that this was the first that he is hearing that there was conversation about positions held by Mr. Wilke and Mr. Gage. He asked the Highway Superintendent to speak.

Mr. DiBartolo stated that if he cannot fill those positions, his department will suffer a 22% loss. In addition to the two sewer positions that he cannot fill, there is also a position vacated by a mechanic last year that has not been filled. One of the positions that is not being filled is in our organic waste yard. If that position is not filled, the yard would have to be closed. The other position is that of a tree worker who also works as a driver. Mr. DiBartolo suggested a meeting with the Town Board to discuss these issues and to try to reach some compromise. He further stated that by not filling the position in the Department of Environmental Protection, the employees will not be able to make all of their bulk pickups.

Councilman Patel agreed that the Town Board needed to discuss this issue further

Motion voted to table this issue.

RELEASE OF WETLANDS BOND  
WP# 001-08  
RESOLUTION #92

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

WHEREAS, Donald Blaney, as applicant, posted Check No. 2394 in the amount of \$300.00, which was deposited into the T33 account on September 30, 2008 to serve as the Wetland Bond for Wetland Permit #WP-001-08, for work performed at his Royce Court residence, and

WHEREAS, the applicant is requesting his Wetland Bond be released as all construction has been completed, 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 \$300.00 may be released;

RESOLVED, that the above-described Wetland Bond in the amount of \$300.00 be and is hereby released to Mr. Donald Blaney, 155 Royce Court, Yorktown Heights, NY 10598.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT  
FOR SAGAMORE SEWER DISTRICT SOIL INVESTIGATIONS  
RESOLUTION #93

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

WHEREAS, the Town Board is moving forward with the proposed Sagamore Sewer District, and in order to determine existing soil conditions, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with the lowest responsive bidder to the January 26, 2010 Request for Proposal (attached), to perform soils investigations along the proposed Sagamore Sewer routing, at a cost not to exceed \$12,174.00 and to be performed by General Borings, Inc. of Prospect, CT, 06712.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT  
WITH STEARNS & WHELER  
RESOLUTION #94

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) and the New York City Department of Environmental Protection (NYCDEP) has stated that the Town needs to determine areas of excessive flows to the existing Hallock's Mill sewerage system, and

WHEREAS, the NYSDEC and the NYCDEP has stated that the Town should embark on a program of preventive/rehabilitation of its existing pump station facilities, and

WHEREAS, in December 2007, the Town completed an evaluation of its Pump Stations concluding a priority ranking system of pump stations that require rehabilitation, and

WHEREAS, it is necessary to determine the capacity of the existing interceptor sewer lines during both dry and wet weather events and the corresponding flow rates tributary to the pump stations that are to be rehabilitated in the future, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Stearns & Wheler, LLC, for the flow metering and sewer system modeling engineering services for the Hallock's Mill Sewer District, in the amount of \$272,000.00.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted



AUTHORIZE EXTENSION OF CONTRACT  
FOR ENVIRONMENTAL INSPECTOR  
RESOLUTION #95

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

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into a renewal contract with Michael Dubovsky for Environmental Code Inspector services. The term of the renewal agreement shall be for 90 days beginning February 16, 2010, and compensation for said services shall be payable in bi-weekly installments of Seven Hundred, Ninety-Seven Dollars and Fifteen Cents (\$797.15).

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE EXTENSION OF BLACKTOP BID  
RESOLUTION #96

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

WHEREAS, bids for blacktop for use by the Highway Department were received and opened on March 1, 2007; and

WHEREAS, said bid was awarded to Patterson Blacktop Corp and Peckham Materials Corp., 20 Haarlem Ave., White Plains, NY 10603; and

WHEREAS, the town has the option to extend said bid upon its original terms and conditions for three additional years in one-year increments; and

WHEREAS, said bid commenced March 6, 2007 and ended January 30, 2008 and was hereby extended for 2 additional years ; so, THEREFORE BE IT

RESOLVED, that the Blacktop Bid for the Town of Yorktown is hereby extended for one last year per the terms of the bid, to Patterson Blacktop Corp. and Peckham Materials Corp., 20 Haarlem Ave., White Plains, NY 10603. The dates of the extension will be January 31, 2010 through to January 31, 2011.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

RELEASE ESCROW DEPOSIT  
STREET OPENING PERMIT #009-005  
RESOLUTION #97

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

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

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

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	009-005	\$2,000.00	3481 Alta St.	Brian Swain

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

AMEND RESOLUTION APPOINTING ERIC DIBARTOLO  
AS PROJECT MANAGER FOR THE LEGACY BALL FIELD PROJECT  
RESOLUTION #98

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

RESOLVED, the Town Board hereby appoints Eric DiBartolo as Project Manager for the Legacy Ball Field Project (“the Project Manager”) for purpose of completing the Town’s obligations as outlined in the 2006 and 2007 IMAs with Westchester County (the “Work”); and be it

FURTHER RESOLVED, that the Project Manager shall administer the Work under the supervision and direction of the Town Board; and be it also

FURTHER RESOLVED, that the Project Manager will commence the work no later than Tuesday, February 16, 2010, weather permitting, and continue to administer the work diligently and without delay to completion.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE CREATION OF A  
TRAFFIC SAFETY COMMITTEE  
RESOLUTION #99

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

WHEREAS, the Town Board recognizes the importance of providing for safe local roads throughout the Town of Yorktown; and

WHEREAS, the Town Board recognizes the need for a committee to review traffic safety issues and make appropriate recommendations to the Town Board to address known traffic safety concerns;

THEREFORE BE IT RESOLVED, that the Town Board creates a Traffic Safety Advisory Committee whose members shall consist of the (i) Town’s Traffic Safety Officer, (ii) the Highway Superintendent or a representative of the Highway Department as designated by the Highway Superintendent or the Town Board if no such designation is made, and (iii) at least one member of the Town Board; and

BE IT FURTHER RESOLVED, that Councilman Vishnu Patel and Terrence Murphy will alternate based on their availability as the Town Board members of the Committee; and

BE IT FURTHER RESOLVED, that the meetings of the Traffic Safety Advisory Committee will be scheduled on a regular basis, that the dates of the Committee’s meetings will be posted on the Town’s web site and that the meetings will be open to the public.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

REQUEST FOR PROPOSALS FOR  
PART-TIME SOCIAL WORKER FOR SENIORS  
RESOLUTION #100

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

WHEREAS the Town of Yorktown has been awarded a grant from the Administration on Aging for senior programming; and

WHEREAS services of a professional part-time social worker is required to meet the requirements of the grant; and

WHEREAS the approved grant provides \$30,000.00 for social worker services; and

BE IT THEREFORE RESOLVED that the Town Board authorizes the Senior Services Department to create and distribute a Request for Proposal (RFP) for the part-time

social worker within the Town of Yorktown's Senior Program, proposals to be reviewed by the Town Board, after which, the supervisor is authorized to enter into a contract with the chosen professional to provide same.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE SUPERVISOR TO SIGN  
AGREEMENT DAYLIGHT SAVINGS CO.  
TO PERFORM ENERGY AUDITS – TOWN BUILDINGS  
RESOLUTION #101

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

WHEREAS, the Town of Yorktown, under ARRA funding for energy efficient and conservation block grants program, has defined one of the projects to have Energy Audits of Town buildings; and

WHEREAS NYSERDA has partnered with Daylight Savings Company to perform such audits in our region;

THEREFORE BE IT RESOLVED, that the Town of Yorktown agrees to engage Daylight Savings Company to perform audits of the Town Court, Police Station, Water Department and Highway Garage at a cost of \$400.00 per audit as subsidized under the NYSERDA program.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

AUTHORIZE PHASE II ENVIRONMENTAL  
ASSESSMENT FOR GRANITE KNOLLS (EMC CONTRACT)  
RESOLUTION #102

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

WHEREAS, the Town of Yorktown desires to purchase the Granite Knolls Property, 3000 Stony Street in the Town of Yorktown; and

WHEREAS, the Town has entered into a contract with Environmental Maintenance Contractors, Inc. to perform a Phase I Assessment of the property; and

WHEREAS, the Phase I has been completed and the recommendations include the performance of a Phase II Assessment of additional investigations with regard to the existing petroleum storage tanks, 55 gallon drums, abandoned vehicles, asbestos testing, and soil borings, NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Environmental Maintenance Contractors, Inc. for the Phase II Environmental Assessment (demolition of the Barn is not included at this time) in accordance with EMC's proposal dated in the amount not to exceed \$22,795.00.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

DEDICATE LAND PURCHASED BY TOWN AS PARKLAND  
ANTINI PROPERTY  
RESOLUTION #103

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

BE IT RESOLVED, that the parcel of land purchased by the Town of Yorktown from Eugene Antini on October 23, 2009, and being described in a deed of conveyance to

the Town of Yorktown of the same date as Section 16.4, Block 1, Lots 20 and 27 on the Tax Map of the Town of Yorktown, be and is hereby accepted by the Town Board; and

FURTHER RESOLVED, that such land shall be reserved for parkland purposes.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE POLICY STATEMENT  
EMPLOYEE PARTICIPATION IN PROFESSIONAL ORGANIZATIONS  
RESOLUTION #104

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

RESOLVED, the Town Board encourages its employees to serve on professional boards and councils within their profession and recognizes that such participation benefits the Town in that it helps keep staff informed and up-to-date on innovative changes, new legislation, and other trends in their professional fields that can be implemented in Yorktown to improve the delivery of services to town residents and/or generate cost savings or revenue.

FURTHER RESOLVED, given the benefits to the Town from such participation, and subject to Town Board approval on a case-by-case basis, employees serving on such boards may do so on Town time.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE CONFERENCE ATTENDANCES  
THREE MEMBERS OF PARKS & RECREATION DEPARTMENT  
RESOLUTION #105

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

RESOLVED, that Jennifer Fava, Brian Gray and Todd Orłowski of the Department of Parks & Recreation are granted approval to attend the New York State Recreation and Park Society Annual Conference and Business Expo to be held in Saratoga Springs, March 21-24, 2010, on town time, as outlined in the February 1, 2010 memo from Jennifer Fava to Supervisor Susan Siegel.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE PAYMENT OF \$170,907.58  
IN SETTLEMENT OF ADRIAN LAWSUIT  
RESOLUTION #106

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

WHEREAS, the Town of Yorktown was the Defendant in certain litigation brought by Joseph M. Adrian, Elaine M. Adrian, and Adrian Family Partners I, L.P., (collectively, "Plaintiffs") in the United States District Court of the Southern District of New York (03 Civ. 06604); and

WHEREAS, the Town's insurance carrier, Arrowood Indemnity Company, defended the Town in connection with the subject litigation; and

WHEREAS, pursuant to a jury trial, the Court dismissed the Plaintiffs' due process and equal protection claims, but Judgment was entered on January 15, 2008, on Plaintiffs' selective treatment and breach of contract claims, awarding to Plaintiffs the sum of \$150,002.00 comprised of \$1.00 each for Plaintiffs Joseph and Elaine Adrian, and \$150,000.00 for Plaintiff Adrian Family Partners I, L.P.; and

WHEREAS, said Judgment was then vacated by Decision and Order dated June 16, 2008, and thereafter reinstated by Judgment dated November 5, 2009; and

WHEREAS, the said Judgment dated November 5, 2009, reinstated the award to Plaintiffs Joseph and Elaine M. Adrian the sum of \$1.00 each and to the Plaintiff Adrian Family Partners I, L.P. the sum of \$150,000.00, together with pre-judgment interest at the rate of 9% from December 6, 2006 to January 16, 2008 in the amount of \$14,646.58, and taxable costs in the amount of \$6,259.00, whereupon the case was closed; and

WHEREAS, in accordance with the Judgment dated November 5, 2009, Plaintiffs are entitled to the total sum of \$170,907.58; and

WHEREAS, insurance counsel attended a hearing before the District Court on February 9, 2010, at which time counsel agreed that said outstanding amount would be paid to Plaintiffs whereupon the Court ordered that payment be made in advance of the next Court hearing scheduled for February 19, 2010.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the payment to Joseph M. Adrian, Elaine M. Adrian, and the Adrian Family Partners I, L.P. the sum of \$170,907.58, which payment the Comptroller of the Town of Yorktown is hereby authorized to remit immediately.

BE IT FURTHER RESOLVED, that the check in payment of said Judgment be delivered to the Town Attorney immediately for transmittal to Plaintiffs' Counsel prior to the February 19, 2010, hearing in accordance with the Court's directive.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

RENEWAL OF INDRA USA  
FOR DATA & SOFTWARE  
RESOLUTION #107

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

RESOLVED, that the Supervisor is authorized to enter into renewal database and software maintenance agreements for Water Department GPS Tracking with Indra, Inc.

FURTHER RESOLVED, the database maintenance is \$18,400.00 per annum and the software maintenance is \$450.00 per occurrence.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

APPROVE DANCE HALL  
PERMIT – BEEFCAKE & LUKIE, FINNEGAN'S GRILL  
RESOLUTION #108

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

BE IT RESOLVED, that the Town Clerk is hereby authorized to issue a Dance Hall Permit to Beefcake and Lukie Corp., d/b/a Finnegan's Grill for one year, commencing February 16, 2010 and ending February 15, 2011 and be it,

FURTHER RESOLVED, the permit will be issued subject to any conditions set forth by the Building Inspector.

Siegel, Martorano, Murphy, Patel Voting Aye  
Resolution adopted

MONTHLY REPORTS

Receiver of Taxes  
Building Department

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

Mr. Eric DiBartolo, the Yorktown Highway Superintendent thanked the Supervisor for offering condolences to the Wilke family. Keith took over his father's job when he retired. He was a wonderful employee.

Mr. Glenn Johnson spoke about the resolution concerning the repayment of money to the Adrian family. He told the Town Board that the Town would probably have to hand over more money in the future because a Judge trying the case decided to calculate interest in a different way. Approximately \$28,000 is still outstanding.

Mr. Steve Robbins asked in light of the fact that the Supervisor stated that the dog park will not involve public funding, does that mean that the Town's offer of several years ago to prepare the site, taking down trees if necessary has gone away?

Dr. Bierman handed the members of the Town Board, and the Town Clerk copies of letters written to the Library Board of Trustees (copies of which are on file in the Town Minutes file) in the Town Clerk's Office. Dr. Bierman also spoke about instances where people were speaking in the Library and nothing was done. On one occasion, Dr. Bierman stated that people were talking and he went over to the Librarian to complained, she told him that she did not hear anything. On another occasion, the Librarian asked these people to stop speaking four times and they wouldn't. Why can't the Hart Library do what other libraries do, ask these people to leave? They instead prefer calling the police department on people such as myself who want quiet.

COURTESY OF THE FLOOR CLOSED

RESPONSES TO COURTESY OF THE FLOOR:

Supervisor Siegel gave the following responses to questions posed during Courtesy of the Floor:

Mr. Johnson is correct, additional money may have to be paid out concerning the Adrian lawsuit.

The Town has said it will help prepare the site of the dog park. The one acre site for the proposed at Trump State Park is level, it has grass with some minor brush. The issue of concern at this point is liability. As I have stated before, there are abandoned buildings on the site as well as an abandoned pool. Each of these pose a liability to the Town of Yorktown.

The issue of whether the Hart Library is a library or a community center is a matter of semantics. It is up to the library staff to speak to the patrons who might be abusing the rules or call the police department, not other patrons.

ADJOURN

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

Alice E. Roker  
Town Clerk  
Town of Yorktown