

Work Session held by the Town Board, Town of Yorktown on May 11, 2010. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Susan Siegel, Supervisor
James J. Martorano, Councilman
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
Diana L. Quast, Deputy Town Clerk

WORK SESSION

Supervisor Susan Siegel called the meeting to order. Director of Planning John Tegeder, Town Comptroller Joan Goldberg, Parks & Recreation Superintendent Jennifer Fava and Town Attorney Jeannette Koster were also present.

FINANCIAL UPDATE

Town Comptroller Joan Goldberg gave an update on the fund balance and options for funding capital improvements. She stated that three budget transfers are needed. The Adrian Settlement was taken out of the 2010 General fund but needs to be put back into 2009 because that is when the court settlement occurred. Since the State Budget has not been passed we thought about transferring the money in the CHIPS Line to a Contingency Line. The Revenue Line for CHIPS is \$240,000.00 and the expense line is \$200,000.00. There is a \$40,000.00 disparity there.

Councilman Martorano asked how the Town gets the money from the State.

Comptroller Goldberg explained that the Town fronts the money and the State reimburses the Highway Fund.

Councilman Bianco asked what revelation occurred that has not in the last 14 years.

Comptroller Goldberg stated that she does not think we have ever been in this financial situation with the State before.

Councilman Martorano noted that the State has been late before in passing its budget so what is unusual about this year. Is the concern that the Town will not get its CHIPS reimbursement from the State?

Comptroller Goldberg stated yes, there is a concern that we will not receive CHIPS money this year.

Supervisor Siegel stated that the money would be put aside so that it cannot be used for anything else. Right now the Highway Superintendent can go out and use that money.

Councilman Bianco stated that this is foolishness and the Highway Superintendent sent him a memo that he is against this.

Supervisor Siegel stated that this is precautionary.

Councilman Martorano asked if anyone has spoken to Highway Superintendent Eric DiBartolo and asked him to hold off on paving until the State budget is passed.

Supervisor Siegel stated that all it would do is put that money aside in a line that cannot be touched for anything else and as soon as the State budget is passed it would be

transferred back. You have to remember that this Board has no control over how the Highway Superintendent spends Highway money.

Councilman Murphy stated that the Highway Superintendent cannot use this money for anything but paving so why don't we just transfer the money into a contingency fund and then move it back when we get the ok from the State.

Supervisor Siegel stated that this is because the Highway Superintendent has consistently overspent his budget lines in the past.

Comptroller Goldberg stated that some of that is beyond his control and due to inclement weather conditions.

Supervisor Siegel stated that this is just prudent.

Councilman Bianco suggested tabling this issue until the Town Board speaks to Highway Superintendent Eric DiBartolo directly. Councilman Martorano agreed.

Councilmen Bianco and Murphy agreed to contact Highway Superintendent Eric DiBartolo to discuss this issue.

Comptroller Goldberg stated that the last item for transfer is the legal lump sum buy-out from the separation of the last Town Attorney.

Comptroller Goldberg stated that at the end of 2008, walking into 2009 the Town had almost 3.6 million in the unreserved General Fund balance. That has been lowered by a million dollars. This is because the liens have gone up. Liens at the end of 2008 were \$3.4 million, in the end of 2009 liens were 4.2 million. Liens are up 24 percent from last year. This is what has lowered the unreserved General Fund balance.

Sales tax received last May was 1.1 million dollars and is up 2.6 percent this year versus last year. Mortgage tax does not come in until June.

Councilman Bianco stated that we are beyond projection for the first quarter Sales tax. Comptroller Goldberg stated that this is the first payment of four that is received during the year.

Comptroller Goldberg gave the Town Board an overview on bonding capital projects.

Comptroller Goldberg stated that the John C. Hart Memorial Library HVAC System needs to be replaced. She has asked Bond Counsel Tom Myers to draft a Bond Resolution for \$500,000.00. This resolution must be passed prior to starting the project, in case the Town falls short in the Library Reserve Budget money to pay for the HVAC System it can draw from the bond.

Comptroller Goldberg stated that Highway Superintendent Eric DiBartolo has submitted a voucher for reimbursement of diesel fuel in the amount of \$13,000.00 and parts in the amount of \$10,000.00 for work done at the Legacy Fields by the Highway Department.

Comptroller Goldberg stated that this goes back to 2008. She received it in January of 2010.

Councilman Martorano asked if this kind of request has ever been made before in the last ten years. Comptroller Goldberg said occasionally but it is out of the ordinary.

Councilman Martorano asked if the Highway Superintendent wants this money transferred out of the General Fund.

Comptroller Goldberg answered no. He wants it to come out of the Parkland Trust and Agency Account.

Councilman Bianco suggested tabling this issue until the Town Board speaks to Highway Superintendent Eric DiBartolo directly.

The Town Board thanked Comptroller Joan Goldberg for her financial update.

GARDEN LANE

Gerry Bogacz from the New York Metropolitan Transportation Council was present to discuss the sustainable study plan for Garden Lane. The Town Board reviewed the pros and cons of the sustainable study plan for Garden Lane.

Mr. Bogacz explained that one plan is to consolidate left turns in this area to help prevent accidents. Another is to create a driveway behind the businesses which will link all the backs of the buildings and force vehicles to come down to a singled controlled intersection. This project is scheduled for construction in 2015. No formal action is required at this time.

PINES BRIDGE MONUMENT

Director of Planning John Tegeder and Patrol Officer Michael Kahn were present to discuss placing a historic monument commemorating the soldiers who guarded the Pines Bridge Crossing in Yorktown during the American Revolution. The monument will cost approximately \$100,000.00 and will come from private and public organizations.

TEEN CENTER

Helena Rodriguez from the Yorktown Teen Center was present to give an update to the Town Board on the Teen Center. The Town Board discussed the usage request for the Teen Center.

Supervisor Siegel stated that there are some conflicts with the proposed request but feels it can be worked out.

Councilman Martorano stated that we will help in anyway we can. He noted that the Teen Center is doing very good. The Town Board thanked them for all their hard work.

DOG PARK

The Town Board, members of the Recreation Commission and members of the Yorktown Dog Park Committee were present to discuss the proposed site for a dog park.

Supervisor Siegel stated that she just signed a letter to the New York Office of State Parks, Recreation and Historical Preservation requesting a response from them by June 18, 2010 to see if they would pay \$8,000.00 for the removal of asbestos from the buildings that are onsite. She would like closure on this issue.

Councilman Bianco stated that this was one of the State Parks that the Governor is planning on closing. Is there even a chance that we will even be able to get this?

Superintendent of Parks & Recreation Jennifer Fava stated that nothing has been formally presented to the State everything has been off the record. Now we have put it in writing and asked if they would consider it.

Recreation Commission Chair Joseph Falcone stated that this would have been done if it was not for the buildings. The \$8,000.00 is for the asbestos removal only.

Supervisor Siegel stated that she feels that no serious work has been done on a Plan B option which is finding an alternate location. There is asbestos in the buildings and money is needed to remove it. The other option is that the Dog Park Committee is willing to raise the money for the removal of the asbestos on the condition that the entire 150 acre park would be an off leash dog park.

Mrs. Janelle Robbins, member of the Dog Park Committee stated that originally we had only wanted 1 to 2 acres of fenced property. We made the offer to considering paying for the asbestos removal because we desperately need a dog park. But unfortunately the Dog Park Committee is a 501 3C and has a mission statement. We have a mission statement to create a leash free dog park not a park for the Town of Yorktown that is open to everyone. So in order for us to use the money we have raised for the asbestos abatement we think it is a fair option to make the park leash free for the entire 150 acres.

Mr. Jonathon Nettlefield stated that if we have to raise an additional \$8,000 on top of the money for the fence, at least we will get the dog park sooner. This does not deny anyone else from using the park.

Superintendent Fava stated that the Recreation Commission felt they did not want to go with the entire facility being an off leash dog park.

Recreation Commission Chair Joseph Falcone stated that this is a New York State Park and it needs to be open to all.

Councilman Bianco stated that the Dog Park Committee came to us requesting a 1 to 2 acre fenced in area to use for a dog park. Why don't we just stick with the original plan.

Superintendent Fava stated that we do not have the State's approval and that needs to be done before we can move forward.

Councilman Martorano stated that we can approve the original proposal and move forward on it and then explore the unleashed request for the entire park.

Supervisor Siegel stated that we are sending a letter to New York State Parks, Recreation and Historical Preservation to ask if they would be interested in this project.

Mr. Nettlefield stated that we have been working on a Plan B with the Recreation Commission and visited three locations last week. The Dog Park Committee felt they were too close to houses.

Councilman Murphy asked how much money the Dog Park Committee has raised.

Mrs. Robbins stated that we have approximately \$5,000 and the estimate for fencing was approximately \$50,000.

Supervisor Siegel Stated that the Recreation Commission has put together a list of parcels that have been looked at and all of them had issues.

Superintendent Fava stated that both the agreement with the State and the sub-lease agreement with the Dog Park Committee would have to be reviewed by legal.

Supervisor Siegel there are two options if the State comes back and says no. The Dog Park Committee pays for the asbestos removal and it becomes a 150 acre off-leashed dog park or we reluctantly say there is no site at this time. We need closure on this issue.

Councilman Bianco asked if dogs had to be leashed in our parks now. Superintendent Fava stated absolutely.

Recreation Commissioner Joseph Falcone asked if New York State has a leash law which would require that all dogs be leashed on State property. Superintendent Fava stated that she believes there is.

Recreation Commissioner James Hackett stated that the Recreation Commission would have to revisit the issue should it change to be used as a 150 acre off-leash park.

The Town Board discussed the Trust & Agency Account for parks with the Recreation Commission with regards to the request of the Highway Superintendent to be reimbursed for fuel and parts for equipment being used to create the legacy Fields.

Recreation Commissioner Joseph Falcone requested that no money come out of the Trust & Agency Account until the project is completed.

COMMERCIAL VEHICLE LAW

Building Inspector William Gregory was present to discuss amendments to the existing Commercial Vehicles Law. The Town Board decided to make some changes to the draft local law and present it again at a later time.

CROTON HEIGHTS DRAINAGE

Len Rivlin from the Croton Heights Homeowners Association was present to discuss with the Town Board drainage issues on Croton Heights Road and Colonel Greene Road. The Town Board asked that Acting Town Engineer Sharon Robinson work with Highway Superintendent Eric DiBartolo to correct the drainage issues on these roads.

LIBRARY BOILER & HVAC SYSTEM

Town Supervisor Susan Siegel discussed with the Town Board the consultant's report and decision to proceed with project. Acting Town Engineer Sharon Robinson suggested switching from an oil system to a gas system as Con Edison is installing a gas line in front of the John C. Hart Memorial Library. The Town Board agreed.

CONDITION ASSESSMENT REPORT - JOHN C. HART MEMORIAL LIBRARY HVAC SYSTEM – O'DEA LYNCH ABBATISTA CONSULTING ENGINEERS RESOLUTION #228

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

WHEREAS, O'Dea Lynch Abbatista Consulting Engineers prepared a Condition Assessment Report for the Heating, Ventilating, and Air Conditioning of the John C. Hart Library dated May 11, 2010, and

WHEREAS, the report's design fees associated with the recommended work to be completed was estimated to be \$35,000, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Agreement with O'Dea, Lynch, Abbatista Consulting Engineers, P.C., in the amount of Thirty-Five Thousand Dollars (\$35,000).

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

STORMWATER ISSUES

Stormwater Consultant Bruce Barber was present to discuss with the Town Board amendments to the existing Stormwater Law, New Illicit Discharge and formation of a Stormwater Committee. The Town Board agreed to update the current local laws.

ETHICS LAW

Town Supervisor Susan Siegel reviewed with the Town Board possible changes to the proposed Ethics law. Minor changes were made to the proposed local law.

FDR PARK POLICE

Town Attorney Jeannette Koster was present to discuss a request from the New York State Park Police to plea bargain the tickets they issue. She suggested not taking over the plea bargaining of tickets issued by the New York State Park Police. The Town Attorney suggested asking the Town Judges.

SHAIKEN EXCAVATION PERMIT

The Town Board reviewed the Shaiken Excavation Permit request. The Town Board agreed to advertise a public hearing.

TOWN BOARD AGENDA

MAY 18, 2010

The Town Board discussed the May 18, 2010 Town Board meeting agenda.

EXECUTIVE SESSION

Councilman Bianco motioned, seconded by Councilman Martorano, to move into Executive Session to discuss the employment of a particular person.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown