

Work Session held by the Town Board, Town of Yorktown on October 9, 2012, held 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Nicholas J. Bianco, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

Absent:

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss Department Head Benefits, conduct Volunteer Board Interviews and Contract Negotiations. Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board Work Session was convened.

WORK SESSION

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present.

REQUEST FROM BENAMIN FRANKLIN ELEMENTARY SCHOOL

REFERRAL – SCHOOL SIGN

RESOLUTION #453

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

RESOLVED, the Town Clerk is hereby authorized to refer out a request made by the Patricia Mcilvenny-Moore, Principal of Benjamin Franklin Elementary School to place a school sign on Kamhi Drive, and be it

FURTHER RESOLVED that the request shall be sent to:

Eric DiBartolo, Highway Superintendent

Dan McMahan, Chief of Police

Larry Eidelman, Public Safety Officer

BE IT FURTHER RESOLVED, all recommendations or responses are due back to the Town Clerk by November 2, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

YCCC BATHROOM RENOVATIONS

Mr. Gil Kaufmann, Mr. Anthony Grasso and Mrs. Mary DeSilva, members of the Senior Advisory Committee were present to discuss with the Town Board updating the bathrooms at the Yorktown Community Cultural Center. Mr. Kaufmann stated that Senator Greg Ball has promised them grant money to do this work and they currently have about \$28,000 in the senior fund. They are requesting to begin the process with getting preliminary designs done.

Supervisor Grace stated that he would have no problem with beginning this process as long as the Town receives the grant money from Senator Ball before any construction work starts.

Planning Director John Tegeder stated that he was not aware of a grant for the update to the YCCC bathrooms but he will check on it.

Supervisor Grace stated that the Town could save money by having Planning Director John Tegeder draft the preliminary plans for the bathrooms, since he is an architect.

Planning Director John Tegeder stated that he would help draft the preliminary designs for the project.

Supervisor Grace also noted that the approximate cost of a permanent generator for the YCCC is \$80,000.

YORKTOWN AMBULANCE CORP

Mr. Lee Joffe and Ms. Barbara Fantoro from the Yorktown Volunteer Ambulance Corps were present to discuss with the Town Board an agreement that they have with the Advanced Life Support District and the Town of Yorktown to house the Paramedic Fly Car and provide sleeping quarters for the paramedics who are on call. Mr. Joffe explained that during the year the Town stopped paying the Yorktown Volunteer Ambulance Corps for housing the ALS paramedics and fly car and they would like to get this situation rectified so that they can begin receiving these payments again.

Town Attorney Jeannette Koster stated that the Town did not continue these payments because there was no current executed lease agreement to authorize the Town to make these payments. She noted that a new lease agreement needs to be drafted.

Supervisor Grace suggested having the new agreement expire every two years so that each Town Board could authorize this agreement.

The Town Board asked Town Attorney Jeannette Koster to draft the agreement.

REQUESTED PROPERTY ACQUISITIONS FROM THE ADVISORY COMMITTEE ON OPEN SPACE

Mr. John Schroeder, Mr. Walt Daniels, Mr. Paul Moskowitz and Mr. Marc Michaels were present to discuss with the Town Board certain property that the Advisory Committee on Open Space would like to acquire.

The Town Board discussed the Boniello property located off Quarry Drive and the Bostinto property located on Saw Mill River Road.

Councilman Bianco stated that the Town should take the two acres being offered by the owner of the Kelderhouse property even though a majority of the property is covered by wetlands because he explained that the Town's Wetlands Law is a permitting law and the property could be developed.

Supervisor Grace stated that more information on the Kelderhouse property is needed and an audit of what is currently on the property should be done before a decision is made.

Councilman Bianco withdrew his motion to refer out all parcels and the Town Board decided not to do anything with regards to these two parcels as one owes back taxes. However, if the owners want to donate the property to the Town they would reconsider at that time.

The Town Board agreed to refer out the Kelderhouse property.

OPEN SPACE COMMITTEE – KELDERHOUSE REFERRAL RESOLUTION #454

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

RESOLVED, the Town Clerk is hereby authorized to refer out a land donation request made by the Open Space Committee to the Town Board. The property owned, by Bruce Kelderhouse and is in the vicinity of Judy Road, Amelia Road and Christine Road, and be it

FURTHER RESOLVED that the request shall be sent to the following departments and/or boards:

- Assessor
- Finance Department
- Conservation Board
- Engineering Department
- Environmental Inspector
- Highway Department
- Parks and Recreation Department
- Planning Department/Planning Board

Receiver of Taxes, and

BE IT FURTHER RESOLVED that all recommendations or responses are due back to the Town Clerk by November 2, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REQUEST FOR CHANGE IN LAW – PROPOSED LOCAL LAW TO ALLOW SELF STORAGE FACILITIES IN A C-1 ZONE

Mr. Anthony Romano asked the Town to consider amending the law and allow a self storage facility be a permitted use in a C-1 Zone.

Planning Director John Tegeder stated that the Zoning Code was amended to allow Warehouses in a C-1 Zone and since there is a difference between a warehouse use and a storage facility use the law would need to be amended.

The Town Board agreed to refer this request out.

REQUEST FOR CHANGE IN LAW – PROPOSED LOCAL LAW REFERRAL RESOLUTION #455

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

RESOLVED, the Town Clerk is hereby authorized to refer out a request made by Anthony Romano to amend Yorktown Town Code Chapter 300-75. Warehouse or storage in retail shopping center, and be it

FUTHER RESOLVED that the proposed amendment is typed in bold text and underlined. The additional attachment is a copy of the current local law.

BE IT FURTHER RESOLVED that the request for the amended local law shall be sent to the following departments and/or boards:

Assessor
Conservation Board
Engineering Department
Highway Department
Planning Department/Planning Board
Receiver of Taxes, and
Town Attorney

RESOLVED, all recommendations or responses are due back to the Town Clerk by November 2, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REQUEST FOR NO PARKING SIGNS ON WOOD STREET AND EAST MAIN STREET AND DEAD TREES TO BE REMOVED

Councilman Bianco stated that he has received complaints about dead trees and parking on Wood Street and East Main Street. The Police Department has stated that without No Parking signs present there is nothing that they can do to stop parking in that area.

Councilman Paganelli stated that he spoke with Highway Superintendent Eric DiBartolo and he stated that the Highway Department has been out there on several occasions and taken down the dead trees on Town property. He also stated that some of these trees are not on Town property. The Town Board agreed to refer this issue out with regards to the No Parking Signs.

JEFFERSON VALLEY HOMEOWNERS REQUEST FOR NO PARKING SIGNS ON WOOD STREET AND EAST MAIN STREET RESOLUTION #456

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

RESOLVED, the Town Clerk is hereby authorized to refer out a request made by Ross Campbell to have a No Parking Sign Placed in the vicinity of East Main Street and Wood Street to the Chief Dan McMahon and Public Safety Officer Larry Eidelman from the Yorktown Police Department.

RESOLVED that the recommendation or response is due back to the Town Clerk by November 2, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

Councilman Paganelli stated that he wanted to clarify a wrong date that was mentioned at the last Town Board meeting with regards to the Yorktown Fire District Public Hearing. The Public hearing is on October 16, 2012 at 8:00 PM at the Fire Station located on Locksley Road.

BAPTIST CHURCH ROAD

Acting Town Engineer Sharon Robinson gave the Town Board an update on the Baptist Church Culvert Project.

Town Attorney Jeannette Koster stated that she had to wait for the eminent domain findings and determinations to be printed in the official newspaper of the Town before moving forward. She stated that this is a requirement of law and that has just been completed. She explained that the homeowners now have thirty (30) days to challenge the findings.

BID ELECTRICAL WORK ON TOWN BUILDINGS

Councilman Paganelli stated that there are inconsistencies within the Electrical Bid and it should be rejected and rebid. He asked why the bid was not extended as per the terms on the contract.

Town Attorney Jeannette Koster explained that there were inconsistencies in the last bid that was awarded and the Town should correct any inconsistencies and rebid.

Mr. Michael Dubovsky joined the discussion with the Town Board and wanted to know the reasons for rebidding this work when it had an extension renewal.

Upon motion made by Councilman Paganelli, seconded by Councilman Patel, extend the bid for Electrical Work on Town Buildings for one additional year.

The Town Board discussed this issue at length and agreed that because of the inconsistencies within both the last bid and the current bid it should be rejected and rebid.

Based on this information Councilman Paganelli withdrew his motion as well as Councilman Patel.

REBID ELECTRICAL WORK ON TOWN BUILDINGS

RESOLUTION#457

Upon motion made by Supervisor Grace, seconded by Councilman Bianco,

WHEREAS, errors were found in the specifications relating to the 2012 Electrical Work on Town Buildings.

BE IT THEREFORE RESOLVED, that the bid will be re-advertised in the official newspaper of the Town of Yorktown, the Journal News.

Grace, Bianco, Murphy, Patel Voting Aye
Paganelli Voting Nay
Resolution adopted.

1500 JOURNEYS END ROAD

Environmental Consultant Bruce Barber was present along with a homeowner who lives on Journeys End Road to discuss with the Town Board her request to remove silt from a pond located on her property. Mr. Bruce Barber stated that the homeowner is in need of both a NYS

DEC Wetlands Permit and a Town Wetlands Permit because the property is located in a State regulated wetlands area. He feels that situations like this should be an Administrative Permit issued by the Town Engineer and he suggested amending the law to allow this.

Councilman Bianco stated that there was intent when this law was established to allow homeowners to take care of their ponds without having the Town Board getting involved.

Environmental Consultant Bruce Barber would like the Town Board to amend the Freshwater Wetlands Law and allow an Administrative Permit to be issued by the Town Engineer when dealing with these types of circumstances.

CERTORARI SETTLEMENTS

Sole Assessor Kim Penner stated that she has several proposed certiorari settlements and would like the Town Board to review them. The Town Board agreed to place this on the next Town Board agenda.

REZONE REQUEST - OLD CROMPOND ROAD/MANDALAY BUILDERS

Daniel Ciarica, engineer for the applicant stated that this property is located on Old Crompond Road and the owner would like to develop the property. He would like to rezone the property and build townhouses. The parcel is nine (9) acres with the potential for a contiguous parcel of ten (10) acres being added.

Councilman Bianco stated that he was opposed to this because it will raise the school district taxes.

Supervisor Grace stated that the Town would benefit from this type of housing and this could help move local economies.

Councilman Bianco asked why anyone would want to live between COSTCO and BJ's He suggested the property be rezoned Commercial.

The applicant stated that they would provide affordable housing units within this plan.

Supervisor Grace stated that the Comprehensive Plan has a mixed use for this area.

The Town Board discussed the proposed sewer district for this area.

A majority of the Town Board agreed to refer this request out.

**REFERRAL - OLD CROMPOND ROAD/MANDALAY BUILDERS
RESOLUTION #458

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

RESOLVED, that the Town Clerk is hereby authorized to refer out an application from Mandalay Builders relating to a proposed Rezoning.

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| Grace, Murphy, Patel, Paganelli | Voting | Aye |
| Bianco | Voting | Nay |

Resolution adopted.

ROUTE 35/202 RECONSTRUCTION AT PINE GROVE COURT AND STONY STREET
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
ROUTE 35/202 RECONSTRUCTION AT PINE GROVE COURT AND STONY STREET
RESOLUTION #459

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

WHEREAS, the New York State Department of Transportation proposes Route 35/202 Reconstruction at Pine Grove Court and Stony Street in the Town of Yorktown located in Westchester County, Project Identification Number 8561.34.123/Contract D262123 and

WHEREAS, the State will include as part of the construction of the above mentioned project the relocation and adjustment to water mains, sanitary sewer facilities and appurtenances

pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Yorktown approves of the relocation of and adjustments to the water and sewer facilities, and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Yorktown will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that Mr. Michael Grace, Town Supervisor has the authority to sign, with the concurrence of the Town of Yorktown, and any and all documentation that may become necessary as a result of this project as it relates to the Town of Yorktown, and

BE IT FURTHER RESOLVED: That the Town Clerk of the Town of Yorktown is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE OVERTIME FOR POLICE OFFICERS OVERTIME FOR THE HALLOWEEN PARADE
RESOLUTION #460

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

RESOLVED, that Town Board approves up to \$1,000 to be used to cover the overtime for police officers on patrol during the 2012 Halloween Parade.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

LAKE MOHEGAN OUTLET

Acting Town Engineer Sharon Robinson discussed with the Town Board comments that she received back from the NYS DOT with regards to the Lake Mohegan outlet culvert which is damaged. The NYSDOT stated that this is not a priority for them to fix. The Town is getting complaints of damage from this. She would like to know how the Town Board wants to proceed.

LAKE MOHEGAN OUTLET
RESOLUTION #461

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

Resolved, that the Town Board directs the Town Attorney to send a letter to the NYS DOT putting them on notice of a defective culvert on Route 6 by the Lake Mohegan outlet and holding them responsible for any damage incurred from this defective culvert. If NYS DOT does not fix the culvert, the Town will consider this an emergency and fix the culvert and then bill the State for the work.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

GRANITE KNOLLS BARN

Supervisor Grace stated that the asbestos abatement company has decided to do the work and will be proceeding with the abatement at the Granite Knolls barn. He stated that the Highway Department will be demolishing the barn.

Councilmen Bianco stated that he was not in favor of the Highway Department demolishing the barn. Councilman Patel stated that he was opposed to that as well.

EMERGENCY HOLLAND SPORTING CLUB – TRANSFORMER

Supervisor Grace Stated that there is a transformer on a telephone pole located on the Holland Sporting Club property which is in danger of falling and needs to be removed. He explained that Con Edison will remove the transformer from the side of the road but will not go onto private property to do so. He noted that a County employee does this type of work on the side and has agreed to take it down for \$1,499.

The Town Board agreed to have this work done.

GARBAGE CONTRACT

Supervisor Grace stated that the initial Garbage Contract review of the lowest bidder is ok with him and would have a potential savings to the Town of approximately \$800,000.

Councilman Paganelli stated that he spoke with the Westchester County Solid Waste person and he knew of no problems with the lowest bidder's company.

Supervisor Grace noted that an automated pick up system can be looked at in the future and would have a potential savings in the cost of garbage pick up in the Town.

Councilman Bianco stated that the Town has looked into this type of system and the cost savings was minimal.

TOWN BOARD AGENDA

OCTOBER 16, 2012

The Town Board discussed the October 16, 2012 Town Board meeting agenda which will be held at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, NY 10588 and will begin at 7:30 P.M.

CONFERENCE ATTENDANCE – TOWN ATTORNEY

RESOLUTION #462

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

RESOLVED, that the Town Board approves the Town Attorney's attendance at the Fall meeting of the Municipal Law Section of the New York State Bar Association, October 12-14.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown

** Town Board rescinded this resolution on October 16, 2012.