

Work Session held by the Town Board, Town of Yorktown on November 13, 2012, at the Town Hall, 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
Alice E. Roker, Town Clerk

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss a proposed appointment to the Building Maintenance staff with Human Resource Specialist Margaret Gspurning.

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board came out of Executive Session.

On Advice of Counsel, The Town Board met with Town Attorney Jeannette Koster

WORK SESSION

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster, Acting Town Engineer Sharon Robinson, Building Inspector John Winter, Deputy Comptroller Patricia Caporale and Environmental Consultant Bruce Barber were also present.

BUILDING ADDITION IN WETLAND BUFFER, 1536 WENONAH TRAIL

The Town Board met with the applicant, Mr. Alex Tikhomirov and the Town of Yorktown wetlands consultant Bruce Barber. Mr. Barber explained that because the building addition is being built in an area designated as wetlands on the most recent New York State Freshwater Wetlands Map, the Town Board would have to be the approving agency. In addition to referring this application to the Town Engineer, the Conservation Board and the wetlands consultant, and setting a public hearing date of December 4, the Town Board asked Mr. Barber to amend the legislation.

REFERRAL AND ADVERTISE

PUBLIC HEARING

RESOLUTION #506

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

RESOLVED, the Town Clerk is hereby authorized to refer the application filed by Alex Tikhomirov for a wetlands permit to construct an addition to 1536 Wenonah Trail, Mohegan Lake, NY to the following departments:

The Conservation Board
The Engineering Department
Cornerstone Appraisal, Bruce Barber

and

BE IT FURTHER RESOLVED, that pursuant to SEQRA, this is an unlisted action; and

BE IT FURTHER RESOLVED, that Notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 4th day of December, 2012 at 7:30 o'clock PM to consider the application of Alex Tikhomirov for a Wetlands Permit to make alterations (an addition and deck) to an existing single family dwelling located at 1536 Wenonah Trail, Mohegan Lake, New York `10547.

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

EAST OF HUDSON WATERSHED – Discussion with Rahu Verma, Executive Director of the East of Hudson Watershed Corporation.

The East of Hudson Watershed Corporation is made up of communities surrounding the New York City Croton Reservoir. The Corporation has been charged with removing more than 400 kilograms of phosphorous from the drinking water within 5 years

Right now 48 projects; all paid for by funding from the New York City Department of Environmental Protection are running. Four of the projects involve the Town of Yorktown. Two projects have been proposed for the Sparkle Lake area. One involves an infiltration system near the lake. The second project will remove phosphorous coming from Granite Springs Road by routing ground water from the street to an infiltration system near the Service Building. There is a third project planned for the grounds of the Yorktown Police Department's campus. It also involves routing water from the street to a 24 acre detention area. The final project is near Railroad Park. They are proposing a pocket pond system for this area.

WETLAND ISSUE AT 2358 BROAD STREET – The property owner, Mr. Gregory Kravtsov spoke to the Town Board.

Mr. Kravtsov's residence is situated on a two acre parcel of property. He showed the Town Board a diagram of what the site looked like prior to him buying and renovating his house. He also showed the Town Board what the site looks like today. Mr. Kravtsov explained that because of the wetlands on the property, his house is now unsellable as well as un-insurable. He spoke about Bruce Barber's visit to his property in 2003 at which time he says he was prevented from remedying the wetlands problem. The previous owner neglected the wetlands and failed to tell him. Mr. Kravtsov states that his property is getting water from five adjacent properties. He further stated that prior to the recent storm, he tried to remediate the problem but was given a summons by the Building Department.

Mr. John Winter, the Building Inspector stated that prior to Hurricane Sandy, he saw construction going on at Mr. Kravtsov's home. A member of the Building Department visited the property and gave him a stop work order. Mr. Winter also stated that the property owner was asked to come into the Building Department, apply for the necessary permits and he would help him. Mr. Winter further stated that Mr. Kravtsov did come into the Building Department, but he also continued to work without a permit. He was subsequently given a summons.

The Town Board asked Mr. Kravtsov what he thought they could do.

Mr. Kravtsov told them that he wanted a reduction in his taxes. He further stated that he went before the Board of Assessment Review a year ago. His request for a reduction in his assessment was denied.

Supervisor Grace stated that the Town Board cannot reduce anyone's taxes.

PRESERVATION OF KNAPP HOUSE - Mr. J.F. deLaperouse and Mr. William Primavera, members of the Yorktown Landmarks and Preservation Commission were present for this discussion.

Mr. deLaperouse explained that the property owner, Mr. Neil DeLuca has agreed to allow the Landmark Commission to document the history of this house which he believes was built in the 18th century. Unfortunately, what he needs now is a contractor and construction crew to work with him. Mr. deLaperouse stated that he is willing to take a week off from work to document the construction of the Knapp House which is part of the Town of Yorktown's history.

Mr. Primavera stated that we were told that the cost of hiring a contractor to do the work that we would like to have done could run as high as \$45,000.

Supervisor Grace stated that the entire Board is committed to preserving Yorktown's history, but this was something they could not do. Perhaps, Mr. DeLuca's construction crew which is already working in the area can do something.

Mr. Primavera stated that he would ask the owner of CS Construction to see if he could help out.

HUDSON FORREST PRODUCTS, INC. - The Town Board met with representatives of this company and the Highway Superintendent

Mr. DiBartolo spoke to the Town Board and stated that he does not have the equipment to remove some of the trees that fell during Hurricane Sandy. Working with a logging company would be helpful. The Highway Department would survey the Town and tag trees for this company.

Supervisor Grace explained the current procedure for homeowners who want the Town to pick up trees or branches is outlined in the Department of Environmental Conservation Booklet or on the website.

BUDGET REVIEW – Highway Department

Mr. DiBartolo thanked the Town Board for giving him the opportunity to appear before them. A discussion of whether the Highway Department would get additional funding for its paving program.

Town Board member Nicholas Bianco stated that he would like to propose salary increases for elected officials at the next meeting.

A discussion on when the Town Board would meet to work on the Preliminary Budget resulted in the following resolution.

SCHEDULE TOWN BOARD MEETING

FOR 5:00 o'clock PM

RESOLUTION #507

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

RESOLVED, The Town Board of the Town of Yorktown will begin its regularly scheduled meeting on November 20, 2012 at 5:00 o'clock PM instead of 6:45 o'clock PM. The Board will begin the meeting with a review of the Supervisor's (the Tentative) Budget.

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

RENEW CONTRACT WITH CORNERSTONE APPRAISAL

ASSOCIATES

RESOLUTION #508

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

RESOLVED, the Supervisor is hereby authorized to renew the Town of Yorktown's contract with Cornerstone Appraisal Associates, Inc., the Town's environmental consultant ("Contractor"), retroactive to October 15, 2012, which provides that the town shall compensate Contractor as follows:

- A. \$49,600 annually for lump sum services, payable in monthly installments of \$4,133.33. within 30 days after receipt by the Town of Contractor's monthly invoices; and
 - B. \$125/hour for other services, to be invoiced separately by project, in accordance with Schedule A hereof, payable within 60 days after receipt of Contractor's monthly invoices.
- The term of the contract shall be from October 15, 2012 through October 15, 2014.

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

TEATOWN LAKE RESERVATION
BOND RELEASE
RESOLUTION #509

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

WHEREAS, Teatown Lake Reservation, as applicant, heretofore filed a Wetland Bond in the amount of \$1,000.00, which was deposited into the T33 Account on September 2, 2011, covering Wetland Permit #036-10, for work performed at the Spring Valley Road location, 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 \$1,000.00 bond for wetlands may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$1,000.00 be and is hereby released to Teatown Lake Reservation, 1600 Spring Valley Road, Ossining, NY 10562.

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

RYAN/MANKOVICH
BOND RELEASE
RESOLUTION #510

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

WHEREAS, Ryan/Mankovich, as applicant, heretofore filed an Erosion Control Bond in the amount of \$300.00, which was deposited into the T33 Account on July 2, 2012, covering Stormwater Permit #045-12, for work performed at their Saw Mill River Road location, 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 bond for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00 be and is hereby released to Betsy Ryan, 770 Saw Mill River Road, Yorktown, NY 10598.

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

REQUEST FOR APPROVING THE OFFICIAL ZONING
MAP

Mr. Ray Arnold took part in this conversation which resulted in the Town Board agreeing to refer the map made in 2010 out for recommendation. A Public Hearing will be held next year on the map.

REFERRAL OF 2010 ZONING MAP
RESOLUTION # 511

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

RESOLVED, the Town Clerk is hereby authorized to refer out the “2010 Unofficial Zoning Map” to the departments specified below. and,

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, the Town Board would like your comments or recommendations back by January 15, 2013

Building Inspector
Planning Director
Town Attorney
Town Engineer
Ray Arnold, Planning Consultant

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

RENEWAL OF WEBASTE HOSTING CONTRACT
RESOLUTION #512

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

BE IT HEREBY RESOLVED, that the Town Supervisor is authorized to sign a Renewal Agreement with Aha Consulting, Inc., for a two year period to be made in two annual payments of \$3,000 each due by January 30, 2013 and January 30, 2014.

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

AUTHORIZE OUTSIDE COUNSEL TO SETTLE LAWSUIT –NICHOLAS DITOMASO V. THOMAS SCIANGULA ET AL
RESOLUTION # 513

Upon motion made by Councilman Murphy, seconded by Councilman Bianco

RESOLVED, the Town Board approves the settlement in the matter of Nicholas DiTomaso v. Thomas Sciangula, et al., Index. No. 12 CV 6690, U.S. Dist. Ct., SDNY (2012) and hereby authorizes outside counsel in this matter, the law firm Morris Duffy Alonso & Faley (Kenneth Pitcoff, Esq.), to settle the case on behalf of all defendants, in the amount of \$7,000.

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

LEASE SPACE AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #514

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

RESOLVED, the Town Board does hereby declare itself to be lead agency under SEQRA and directs that a short form EAF be prepared with respect to the proposed action of renewing tenant leases of Town-owned space at the YCCC

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

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board moved into Executive Session to discuss a possible appointment to its personnel in the Building Maintenance Department.

Upon motion made by Councilman Bianco and seconded by Councilman Paganelli, the Town Board came out of Executive Session.

Councilman Patel leaves the Town Board Meeting after a disagreement during Executive Session.

APPOINTMENT IN THE BUILDING MAINTENANCE STAFF – PAUL COLARRUSO
RESOLUTION #515

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

BE IT RESOLVED, that Paul Colarusso of Putnam Valley, NY, is hereby appointed Laborer, job class code 0425-05, within the Building Maintenance Department, effective November 19th, 2012 to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$38,866.00 annually;

BE IT RESOLVED, that Paul Colarusso will report to work at the Building Maintenance Department on November 19th, 2012, and this date will be used as the first date of appointment,

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 November 19th, 2012.

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

LEASE SPACE AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #516

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

RESOLVED, the Town Board does hereby declare itself to be lead agency under SEQRA and directs that a short form EAF be prepared with respect to the proposed action of renewing tenant leases of Town-owned space at the YCCC

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

ADJOURN

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

Alice E. Roker, Town Clerk
Town of Yorktown