

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 2, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
 Alice E. Roker, Deputy Supervisor
 Vishnu V. Patel, Councilman
 Thomas P. Diana, Councilman
 Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
 Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss personnel, litigation, and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert led the Pledge of Allegiance

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana spoke about the Fourth of July. He said that it has been a federal holiday since 1941 but has been celebrated since the 18th century. In 1776 the Continental Congress voted for independence on July 2, 1776. Two days later on the fourth of July 1776, delegates from the thirteen colonies adopted the Declaration of Independence, drafted by Thomas Jefferson. July 4th has been celebrated as the birth of American independence with fireworks, backyard barbeques, etc. However, we should not forget our veterans and first responders who have given their lives for our freedoms and to remember that freedom is not free.

Councilman Lachterman recognized Dr. Edwin Pell for his dedication to the Town's history and the preservation of our Revolutionary and Civil War cemeteries. He also thanked all of those who came to the first concert of the Lions Summer Concert Series. Councilman Lachterman also mentioned the Chamber of Commerce's Auto Show to be held on Sunday, July 21st. July 18th will also be the free movie at the Jack DeVito Memorial Field.

SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN

Supervisor Gilbert said that it has been reported that some people have experienced issues conducting business on Craig's List, so the Yorktown Police Department has established an internet exchange zone at the police department where you can meet a seller from Craig's List. Two spaces under camera surveillance have been dedicated at the police department. There was an incident about a week and half ago where a sales exchange on Craig's List ended in an armed robbery here in Yorktown. Supervisor Gilbert said this establishes a safety zone and he is proud that our Town has taken the initiative.

Supervisor Gilbert said he met with the Highway Superintendent Dave Paganelli and residents of Jefferson Village, onsite, to discuss installation of curbing in certain portions of the Village in order to reduce storm water issues.

Supervisor Gilbert met with representatives of Enbridge to discuss the progress of their work. They expect to be completed with their work sometime in October, with clean up to follow.

They are continuing their work in the area under the Taconic and residents may notice structures or equipment in the Taconic's median as part of the dewatering of the construction under the Taconic. He said they have informed him they received the necessary approvals to conduct that work.

Supervisor Gilbert stated he has requested that the owners of the Acme in the Shrub Oak Shopping Center meet to discuss the conditions of the former tire store and their plans for that building. They promised to maintain the building and are currently interested in renting the building but will also consider alternative development possibilities.

Supervisor Gilbert reported the Town has completed most of the work on the roofs of Town Hall, the Police Department, and the Justice Court. A meeting was held to determine the redesign and rebuilding of the stairs of the plaza at the Police Department and Court House.

Supervisor Gilbert said he met with representatives of state agencies to determine which grants are the best fit for our town this year so we can focus our energies on those grants for which we are most likely to qualify.

Supervisor Gilbert said he participated in a meeting with the president of NYSEG to learn what the company is proposing in its rate case and how that proposal will affect residents and improve service in our area. He said NYSEG's efforts in terms of their storm hardening and "blue sky" work seem to be bearing fruit, as evidenced by the latest storm and how quickly power was restored after an outage. Supervisor Gilbert also thanked the Town's first responders for their work on a house fire caused by a lightning strike during that same storm.

Supervisor Gilbert enumerated the various events that took place in Yorktown and the surrounding area recently. He particularly mentioned a meeting he had with Michael Orth, the Commissioner of Mental Health for Westchester County and other experts to discuss suicide prevention and substance abuse and their relationship to other mental health issues. There were four suicides this month alone by members of the NYPD. This reminds us that no one is immune from these issues and, as a result of that meeting, the Supervisor is optimistic that the Town will be looking to work with existing community groups to see how we can help them in their important work. Commissioner Orth updated the Supervisor on available county resources that the county has committed to assist us in our endeavors.

Supervisor Gilbert wished all a happy and safe Fourth of July.

REPORTS FROM THE TOWN COUNCIL

Councilwoman Roker said she participated in the meeting with Commissioner Orth and said the county has a tremendous number of resources that we were not aware of and, hopefully, in the next few weeks they will come and do a presentation about available services. We are living in stressful times and sometimes you just need someone to talk to. Councilman Lachterman also mentioned that most employers have an EAP program (Employee Assistance Program) to help with these kinds of issues.

Councilman Patel said West Point has two new students from our area and wished them the best of luck. Councilman Patel's July 4th message: Our flag does not fly because of the wind – it flies with the last breath of each soldier who died protecting us. A happy and peaceful July 4th. He thanked all military and first responders for their service.

(Councilman Diana and Councilman Lachterman left the Board Meeting for a prior engagement and will return later in the meeting.)

Councilwoman Roker called Lynn Briggs to the Board (Landmark Preservation Committee) to speak about Yorktown during the Revolutionary War. She said she has developed a fondness for all those who have served in all the wars and suggested moving the monuments in Patriot's Park next to the Pinesbridge Monument. She said that the one-day symposium at Hilltop Hanover Farm resulted in many recommendations as to how to preserve our history.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli wished all a happy 4th of July, God bless America and God bless Yorktown.

APPOINT JEAN ZAPPIA TO FILL THE UNEXPIRED TERM OF LIBRARY TRUSTEE LINDA GIRONDA UNTIL AUGUST 31, 2019 AND A FIVE-YEAR TERM BEGINNING SEPTEMBER 1, 2019
RESOLUTION #257

Upon motion made by Councilwoman Roker, seconded by Supervisor Gilbert,

RESOLVED, that Jean Zappia of 2661 Old Yorktown Road, Yorktown Hts., who has been selected to fill the unexpired term of Library Trustee Linda Gironda from July 1 to August 31, 2019 and be appointed to a subsequent five-year term as Trustee of the John C. Hart Memorial Library beginning September 1, 2019.

Gilbert, Roker, Patel Voting Aye
Resolution adopted.

POET LAUREATE

Mr. John McMullen, Yorktown Poet Laureate, read an original poem, "Paying The Pall Mall Bill" about smoking.

COURTESY OF THE FLOOR

Ms. Susan Siegel, Advocates for a Better Yorktown (ABY), reminded residents of the public hearings next week regarding the new Tree law and the new solar law (allow commercial solar farms in residential areas).

Mr. Ken Belfer, Mohegan Lake Improvement District, announced the Annual Lake Day at Lake Mohegan will be held on July 13 (rain date 7/14). There will be a fishing derby, hiking, and numerous other events throughout the day. The event is free and open to the public.

Mr. Paul Moskowitz, resident and member of ABY, said that at a previous meeting Councilman Lachterman asked about the visibility of the proposed solar farm from various points in Yorktown. He has taken photos from those points and would like to show these pictures during the public hearing.

Ms. Louise DeMarco, resident, commented on Diversified Properties proposed project near Jefferson Village and their Yorktown's request to rezone the nineteen-acre property to multifamily zoning from single-family zone. Ms. DeMarco quoted the Comprehensive Plan's vision statement that spoke of low density, careful development blended with conservation. She spoke about how the development of this project runs counter to the Comprehensive Plan's vision for Yorktown.

Ms. Joanne Silik, Jefferson Village resident, asked why the Board would even consider rezoning the Hill Farm property. She presented a petition of signatures from Jefferson Village residents opposed to the rezoning. She quoted from the attorney for the developer who said the developer may contribute to the alleviation of the traffic problem by adding a traffic light – this is not nearly enough. She has faith the board will deal honestly with this problem.

(Councilman Diana and Councilman Lachterman returned to the Town Board meeting.)

Mr. Brian Silik, resident, agreed with his wife, Joanne, especially statements regarding the traffic situation in the area of the DP Yorktown project. He said the cost of maintenance and repair for all of the required additional traffic signals that will be required may be borne by the taxpayers of Yorktown.

Mr. Tom Pomposello, resident, said he had a meeting with Supervisor Gilbert and the Yorktown Police Department regarding the dates for the San Gennaro Feast. The Procession will be held on September 12th and the festival will be held September 11th through the 15th. Mr. Pomposello asked for feedback on the festival because he had gotten information that Councilman Patel was not in favor of the celebration. Councilman Patel said he had no objection to the San Gennaro Feast. The board members spoke of the value of the Feast to the Town.

Mr. Tony Grasso, resident, stated that the responsibility of zoning lies with the Town Board and as far as a traffic light is concerned, it can be erected at no cost to the Town when it is

included as part of the site plan. He talked about how, years ago, people did not want Jefferson Village to be built when it was first proposed. Mr. Grasso said that years ago trees were tagged that were to be saved on a building site, so that homes could be built around them. He said he is in favor of this type of housing so that our young people can remain in their hometown.

Upon motion made by Councilman Lachterman, seconded by Council Patel, Courtesy of the Floor was closed.

Supervisor Gilbert said that the DP Yorktown project is not a “done deal” and the Town is far from having anything done. He said that concrete answers must be obtained and an independent traffic study should be done and the applicant should be asked to pay for this study. The applicant had indicated that they have constructed 2000 of these types units over the last 20-30 years, evidence of their experience. Many questions were asked that need answers; many answers may need to come from the history of the developer’s past projects. Fifty of the 150 units will be one bedroom, which should cut back on the number of children. One hundred 2 bedroom units are targeted to seniors/empty nesters and millennials. Supervisor Gilbert reiterated that the Town is a long way from making a determination on this rezone application.

Councilman Diana said he believed the developer’s estimate of the number of children was understated.

Councilman Lachterman said that our school system is definitely a draw so that any comparisons to their past developments need to be drawn from municipalities with similarly rated school systems.

Highway Superintendent David Paganelli said there are traffic problems in that area – the majority of traffic issues actually come from residents from Putnam Valley, not Yorktown, who need to use the road as part of their commute. It is important that we use an independent traffic consultant.

Mr. Silik said that right now there is only one road to this complex and this makes no sense.

Councilman Lachterman said that Mr. Beck (DP Yorktown project) may be keeping approval of the second access road on hold while the project is being reviewed. He said that the public should know that if any traffic light or lamp post in Town gets damaged due to a traffic accident, the Town will go through the driver’s insurance company for reimbursement – it does not get passed on to the residents.

Library Director Patricia Hallinan introduced Jean Zappia, new appointee to the Library Board, to the Board and the public. She thanked the Board for the appointment. Supervisor Gilbert told Ms. Zappia that she has big shoes to fill in Linda Gironda’s absence but was confident she would do a good job. Ms. Zappia thanked the Board. Town Clerk Diana Quast administered the Oath of Office to Ms. Zappia.

RECONVENE PUBLIC HEARING FOR WETLAND/STORMWATER PERMIT APPLICATION - 3083 OAK STREET, MOHEGAN LAKE, NY

Supervisor Gilbert reconvened a public hearing to consider the Wetland/Stormwater Permit Application received from Vito Planamento for property located at 3083 Oak Street, Mohegan Lake, NY also known as Section 25.12, Block 2, Lot 8 for the purpose of demolition of existing cottage, abandonment of existing cesspool, construction of a modular home foundation and modular home, and installation of a new single on-site septic system.

Town Engineer Michael Quinn said this is a small cottage on a site that is mostly undeveloped. The developer/applicant is proposing to build a single-family house with a septic system and has obtained approvals from the Westchester County Department of Health. Mr. Quinn said his department is satisfied that the applicant has satisfied the requirement of the Town Code. The applicant is here this evening to obtain a wetland/tree removal/stormwater permit. The applicant is not proposing any disturbance to the wetlands but will be working in the buffer zone. Mr. Quinn gave the following update since the previous public hearing: At the last public hearing the Town Board asked the applicant to work with the Conservation Board to satisfy the comments they had regarding a wetland mitigation plan.

The Conservation Board has since issued two comments – one asking for a plan, and the second giving their approval. The applicant has brought their new mitigation plan to the Board this evening.

Supervisor Gilbert spoke about an email that was sent from a neighbor giving the history of the property and who had concerns about this project. Mr. Quinn said he read the email and went back to the submitted application. The applicant is putting forth that they have the legal right to develop this lot. They have put forth a zoning-compliant structure and septic approvals and, based on information that we currently have, there is no reason not to proceed with permitting. Mr. Quinn said that if there is some existing deed restriction on the property, the permits would not be usable and the applicant would have to come back to the Board anyway.

Councilman Lachterman said that it is an “as of right” development, it does not really matter what the structure was (garage, cottage, etc.); what matters is what is approved to be built there and if they have County approvals. Mr. Quinn said one requirement they have to satisfy is to provide a land survey by a licensed surveyor and their survey does not identify any issues that would prevent the applicant from developing on that site. Mr. Quinn said everything appears to be above board. Mr. Planamento said it is no longer a garage and had been upgraded to a cottage at some point in the past.

Supervisor Gilbert said the Conservation Board issued a memo stating they find the mitigation plan to be acceptable and they approve the project moving forward. The mitigation plan shows a “no mow” zone, will have different seed and plantings. Councilwoman Roker asked how much disturbance will there be on the entire site and was told it would just be the foundation base and septic area. The applicant’s engineer said the site is lacking foliage because nothing really grew there. They will have to take down between eight and nine trees, some of which are in the septic area. The engineer showed the location of the house on their plans. The project is about 230 feet away from Lake Mohegan from the closest part of the property. The lot is about 400 feet deep. The house will be approximately 1200 square feet plus an additional 200-300 square feet of basement.

Mr. Quinn stated that the application shows approximately one-third an acre of disturbance.

Mr. Ken Belfer, Mohegan Lake Homeowners Association, said the only issues would be whether it is a legal building lot and the impact on the wetlands. He said some of his questions have been answered according to the previous discussion. He would like to know how they plan to handle storm water issues – will there be more storm water leaving the property after the house is built? He also asked how much fill is going to be required because there is very little area that is at the level of the road before it drops very quickly down to the wetlands.

Mr. Quinn said they are bringing in about 70 net yards of earth, which is more than they are taking out. The requirement/trigger to collect water from impervious surfaces (driveway and roof) is a more than a one-acre disturbance and most single-family homes do not hit that trigger and this project clearly does not. This project does not have any impact on adjoining properties/neighbors, so it does not require the installation of any storm water device. Supervisor Gilbert said while that may be true of not affecting adjoining neighbors; it may have potential of affecting the lake. Mr. Quinn said it would be the Board’s discretion to add a storm water system as a requirement; his department did not necessarily see a trigger in this project. This house has a small footprint.

Supervisor Gilbert asked if there would be an environmental impact on the lake due to putting salt on a driveway in the wintertime and was told by the developer that the impact would be minimal because the driveway is not steep and has a very small grade (approximately 6%).

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker and carried.

WETLAND/TREE REMOVAL/STORMWATER PERMIT – 3083 OAK STREET
(PLANAMENTO)
RESOLUTION #258

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Whereas,

1. The Applicant, Vito Planamento, submitted an application for a Wetland/Stormwater & Tree Permit for removal of an existing cottage and construction of a new single family home, including a new subsurface sewage disposal system, rain garden, and minor site improvements.
2. The Approval Authority for this application is the Town Board since the work involves a land disturbance in excess of 200 cubic yards and will be constructed within the 100-foot buffer of a New York State-designated wetland.
3. All required application fees have been paid.
4. A Public Hearing was opened on 6/11/19. The Board reviewed technical review memos submitted by Town departments, volunteer boards and involved agencies. The Board also heard from concerned citizens. The meeting was adjourned and Applicant was directed to satisfy comments from the Conservation Board regarding the plans for wetland mitigation.
5. The Public Hearing was re-opened on 7/2/19.

Now, Therefore Be It Resolved, that

1. The Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. The Town Engineer shall issue the permit in accordance with the terms of this resolution and with the conditions below.

Conditions that must be met prior to the commencement of work:

1. A Performance Bond shall be established in the amount of \$500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
3. A Yorktown Building Permit must be obtained from the Building Department. All approvals from the Westchester County Health Department must be obtained for the subsurface sewage disposal system.
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance area.
5. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.
6. Applicant shall mark the subsurface sewage disposal system boundary (proposed & future reserve area) in field and protect with an orange construction fence. No material storage, vehicle movements, or construction activity shall be allowed to occur in this area.
7. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.

2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each workday, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Only those trees specifically shown on the plans may be removed, a new permit shall be obtained from Engineering should the removal of any other trees be required.
4. No soil storage outside the limit of disturbance line is permitted. Road in front of property must be kept broom clean at all times.
5. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.
6. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO INCREASE THE CAPITAL PROJECT FOR THE JOHN C. HART MEMORIAL LIBRARY FOR THE BATHROOM RENOVATIONS RESOLUTION #259

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Resolved, that the Comptroller is authorized to increase the capital project of the John C. Hart Memorial Library Bathrooms by \$7,657.62. This amount is funded by a check from the Library Board of Trustees Gift Fund.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

Library Director Patricia Hallinan said the original plans for the library bathrooms did not specify hand dryers and the relocation of a radiator, as well as the addition of a bottle filler.

Supervisor Gilbert said that it is apparent from the list of resolutions this evening that there is quite a bit of money being allocated and transferred. He said that he has had a number of conversations with Town Comptroller Patricia Caporale and asked her to come to the podium to give an update regarding the economic stance of the Town since we are now at the halfway point in the year.

Town Comptroller Patricia Caporale said that these resolutions can be passed and the Town will still have enough in the fund balance. She is maintaining a spreadsheet to keep track of the 20% the Town is required to keep in the fund balance according to the New York State Comptroller's Office since the rate was raised.

She is waiting for some actual dollars of what other expenditures will cost the Town and she is currently keeping hypothetical figures in the spreadsheet until the actual numbers come in.

Planning Director John Tegeder said the following resolution is exciting for the Town, as well as for him personally since he has been working towards this for a long time. The Town is now in the position to restore the historic national and state landmark of the Yorktown Railroad Station. He believes this will enhance Railroad Park, which is evolving as Town feature and center of Town.

Councilwoman Roker asked Mr. Tegeder if the Yorktown station is one of the few stations along the same railroad line that has been landmarked and he replied that it is the only nationally landmarked station on the railroad line. It is the only one that has not been modified significantly, so it is considered to be in a pristine state. Yorktown's is the last one of its type. He believes that there probably is not one left in the country like the Yorktown station.

Supervisor Gilbert mentioned, for those who were not aware, that Patriot Park is the site of the old turntable for the railroad. Mr. Tegeder said that Yorktown was not just a stop, but an operational center as well. He said a kickoff meeting will be set with the contractor to discuss the project and the timetable will be about four months. Mr. Tegeder said his entire department worked on this project and he could not have accomplished this without them.

APPROVE GRANT REIMBURSEMENT FOR RESTORATION OF RAILROAD STATION BUILDING AT RAILROAD PARK IN THE AMOUNT OF \$476,386.00 TO INCLUDE BASE BID AND ALTERNATE 1 AND 2
RESOLUTION #260

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

Whereas, bids were accepted by the Town Clerk on Monday, August 27, 2018, for restoration of the Yorktown Heights Railroad Station building in Railroad Park; and

Whereas, as required by the New York State Department of Transportation (NYSDOT), notice of this request for bidders was published in all local papers including the Yorktown News, The Examiner News, and The Journal News, as well as in The New York State Contract Reporter; and

Whereas, one bid was submitted by Clemco Construction & Restoration, Inc. that included the following:

Base Bid	\$414,367.00	
Alt.01	\$26,688.00	Restoration of original chimney
Alt.02	\$35,331.00	Replacement of wall sill
Alt.03	\$3,876.00	Replacement of original wood exterior cabinet
Alt.04	\$50,370.00	Install dry-pipe fire protection system
Alt.05	\$1,604.00	Provide professional photographic documentation

Whereas, the NYSDOT authorized a total project cost of \$443,643.00, therefore the NYSDOT has approved reimbursement for this project, as part of a grant known as PIN 8780.26, to include the Base Bid and Alternate 1, which totals \$441,055.00; and

Whereas, the Town Board approved Resolution #422 on November 14, 2017 appropriating \$443,643.00 from the General Fund – Fund Balance for participation in the NYSDOT grant with NYSDOT share of \$295,762.00 and town share of \$147,881.00; and

Whereas, the Planning Department recommends Alternative 2 in the amount of \$35,331.00 be included in the bid award because this element is critical to the integrity of the restoration project; and

Whereas, the Town of Yorktown will therefore be solely responsible for any costs beyond that approved by the NYSDOT; and

Be It Therefore Now Resolved, that the bid for restoration of the Yorktown Heights Railroad Station is awarded to Clemco Construction & Restoration, Inc. including all work described in the Bid Proposal base bid, Alternate 1, and Alternate 2.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE POLICE OFFICER JOHN E. DOHERTY TO TAKE INTRODUCTION TO
HOMELAND SECURITY MANAGEMENT COURSE
RESOLUTION #261

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Resolved, that Police Officer John E. Doherty has approval to take the Introduction to Homeland Security Management Course offered through Long Island University. The Total cost of the course is \$2,574.00 and is reimbursable for the cost of books and tuition after successful completion of the course.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT AND
HOLD HARMLESS WITH THE YORKTOWN CENTRAL SCHOOL DISTRICT
RESOLUTION #262

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Be It Resolved, that the Town Supervisor is authorized to sign the Intermunicipal Agreement and Hold Harmless Agreement with the Yorktown Central School District for the mutual sharing of facilities, vehicles and equipment.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR THE PURCHASE OF POLICE
DEPARTMENT UNMARKED VEHICLES
RESOLUTION #263

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Notice Is Hereby Given that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on August 12, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for the purchase of *Police Department Unmarked Vehicles*. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

Supervisor Gilbert asked Renee Fogerty and George Souls, members of the Economic and Business Revitalization Committee, to come to the podium to discuss the following resolution regarding the branding campaign. Ms. Fogerty said this request for proposals is just an information-seeking practice to find out how much a campaign would cost. Supervisor Gilbert explained what the branding process is and what this request for proposals hopes to accomplish. Councilman Lachterman said that the RFP should be sent to the Chamber of Commerce.

AUTHORIZE TOWN CLERK TO ADVERTISE REQUEST FOR PROPOSALS FOR THE
TOWN OF YORKTOWN TO DEVELOP A BRANDING CAMPAIGN
RESOLUTION #264

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Notice Is Hereby Given that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on August 1, 2019 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 to develop a branding campaign.

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

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE CHANGE OF DATES FOR DEPARTMENT HEADS TO REVIEW THEIR BUDGETS WITH THE TOWN BOARD
RESOLUTION #265

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

RESOLVED, that the Town Board will meet with its Department heads to review their budgets on November 7 and November 8.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

Highway Superintendent Dave Paganelli discussed the following budget transfer resolutions for the Highway Department. He explained they are three separate entities: additional paving money and the purchase of three vehicles by the Town using money from the fund balance; a fund balance transfer from his fund balance into his paving line, which is the reimbursable grant for the paving of Quinlan Street. The third resolution relates to his five-year paving plan. He said the Pave NY program will provide \$86,400 to Yorktown that we will receive next year. CHPS money from New York State the Town will receive this year totals \$378,000. This year the Town received an additional \$250,000 that Mr. Paganelli worked with Senator Murphy in securing will be used specifically for Quinlan Street since it is a major commercial artery leading to the Jefferson Valley Mall. The milling of Quinlan Street is the first milling job the Town has done in a very long time – Mr. Paganelli hopes that by showing how to pave a road properly will demonstrate the need for milling more of our roads. He said that milling a road costs about 20-25% more than just repaving but it will last about 12-13 years longer than the average of 8-9 years for repaving. He further discussed the economics of maintaining the roads.

Councilwoman Roker asked if there were plans to redo Granite Springs Road and how the re-milling of Quinlan Street will affect its residents. Mr. Paganelli said the drainage along the south side of Granite Springs Road (heading east) is shot. He is supposed to meet with Con Edison at the location to see where their pipe is. Mr. Paganelli said he is hoping to work a deal with Con Edison whereby we supply the materials and they put the pipe in – this will save the Town over \$100,000.

Mr. Paganelli discussed the effects of re-milling Quinlan. The intent is to re-mill it in sections so that one lane will always be open and involve approximately two trucks and one milling machine.

Councilman Patel asked about potential damage done to residents' properties due to the weight of the trucks causing erosion issues. Mr. Paganelli said that would need to be deferred to the legal department.

A member of the Ponderosa Estate's Board of Directors said people have asked him how people will get out of Marlet Street due to the gas line construction. Mr. Paganelli said there will always be a lane open.

Mr. Paganelli then discussed the purchase of the trucks. The six-wheel dump truck is a plow truck with a dump body – we purchased a salt truck four years ago and that is what his department will continue to use. The department is now short drainage trucks so this new truck will function as a plow truck for the winter and a drainage truck the rest of the year. The basin truck is needed to do the rebuild of basins, which is a full-day job. The F350 with a plow is a new truck for him – his current is costing more in repairs than is worth the money. His current truck will be used by the mechanics to pick up parts. This will free up a F550 for the fleet and give him an additional truck for the winter.

Supervisor Gilbert asked if it is an issue that these trucks are not kept indoors.

Mr. Paganelli said the one thing that they could benefit from is a washer – it is not a matter of keeping the trucks under cover or not under cover. It is a matter of washing off the salt.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR PAVING ROADWAYS AND THE PURCHASE OF HIGHWAY TRUCKS
RESOLUTION #266

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

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From
General Fund – Fund Balance \$559,000.00

To
Highway – Equipment (D5110.201) \$309,000.00
Highway – Paving (D5112.210) \$250,000.00

for paving roadways and the purchases of the following:

1 (6) Wheel Dump Truck	\$173,000.00
1 Ford F750 Basin Truck	\$ 92,000.00
1 Ford F350 Pickup Truck with Plow	\$ 44,000.00

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE BUDGET TRANSFER FOR THE REPAVING OF QUINLAN STREET TO BE REIMBURSED BY NYS DOT
RESOLUTION #267

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

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From
Highway – Fund Balance \$250,000.00

To
Highway – Paving (D5112.210) \$250,000.00

for the paving of Quinlan Street, to be reimbursed by NYS DOT grant.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS BUDGET TRANSFER TO MILL QUINLAN STREET AND PAVE ADDITIONAL TOWN ROADWAYS
RESOLUTION #268

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

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From		
D5110.425	Highway – Outside Services	\$12,600.00
D5110.810	Highway – Medical	\$20,000.00
D5110.101	Highway – Salary	\$41,600.00
To		
D5112.210	Highway – Paving	\$74,200.00

to mill Quinlan Street and pave additional Town roadways

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE RELEASE OF BOND FOR #BSWPPP-028-19 - INDORF/FERRANTE - CALIFORNIA ROAD
RESOLUTION #269

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. Steve Indorf as applicant for Ferrante, posted \$250 cash which was deposited to the T33 account on June 7, 2019, to serve as the Performance Bond for drainage work at the California Road residence.
2. Steve Indorf has requested the bond be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Mr. Steven Indorf, 5 Ridgeview Drive, Ossining, NY 10562.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE RELEASE OF BOND FOR #WP-BSWPPP-050-17 – ARENGO/CHAPNIK - LAKESHORE DRIVE
RESOLUTION #270

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. Felicity Arengo as applicant, posted check #1532 in the amount of \$500 to serve as the Performance Bond which was deposited to the T33 account on February 5, 2018.
2. The applicants have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$500 bond be and is hereby released to Ms. Felicity Arengo, 1554 Wenonah Trail, Mohegan Lake, NY 10547.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE RELEASE OF BOND FOR #BSWPPP-046-18 – ALLENDE - LONDON ROAD
RESOLUTION #271

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. Jennifer Allende as applicant, posted check #106 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on August 27, 2018.
2. The applicant has requested her money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Ms. Jennifer Allende, 448 London Road, Yorktown Heights, NY 10598.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE RELEASE OF BOND FOR - #BSWPPP-023-18 – GIACOMINI -
MANCHESTER ROAD
RESOLUTION #272

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. Laura Giacomini as applicant, posted check #469 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on May 23, 2018.
2. The applicant has requested her money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Ms. Laura Giacomini, 570 Manchester Road, Yorktown Heights, NY 10598.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE RELEASE OF BOND FOR - #BSWPPP-004-18 – DEMILIA - EVERGREEN
STREET
RESOLUTION #273

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. David Demilia as applicant, posted check #1935 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on April 25, 2018.
2. The applicant has requested his money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

Now, Therefore Be It Resolved, the above referenced \$250 bond be and is hereby released to Mr. David Demilia, 2499 Evergreen Street, Yorktown Heights, NY 10598.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ACCEPT PERFORMANCE BOND – MOHEGAN AVENUE RETAINING WALL
REPLACEMENT PROJECT REMUS INDUSTRIES, LLC/LAURA LI INDUSTRIES LLC
RESOLUTION #274

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. The Town Board awarded the Mohegan Avenue Retaining Wall Replacement Project at the Town Board Meeting of May 7, 2019 to Remus Industries, LLC, for a total bid amount of \$935,998.00.
2. Remus Industries, LLC, as applicant provided the Town with Endurance Assurance Corporation Performance Bond #EAIC4000337 in the amount of \$935,998.00.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

Now Therefore Be It Resolved, that the delivery of the required project Performance Bond has been satisfied and that the Town Comptroller is authorized to accept the above-referenced project Performance Bond.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET
TRANSFER - WORK ORDER MANAGEMENT SYSTEM- WOODARD & CURRAN
RESOLUTION #275

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

Whereas,

1. In December 2018, the Town Board passed a resolution awarding a professional services agreement to Woodard & Curran Engineering, PC for upgrades to the work order management system.
2. The Department planned to use available funds from the 2018 budget, however the agreement was not executed until 2019 so unencumbered 2018 funds were placed into the Sewer Reserve Fund.
3. The Department requests a \$20,000.00 budget transfer from the Sewer Reserve Fund to pay for the shared cost of the professional services agreement. The work will be assigned to Cost Code YS.8130.421.1 Computer Support/Software.

Resolved, that the Comptroller is hereby authorized to transfer \$20,000.00 from the Sewer Department (YS) Fund Balance to Sewer Department Computer Support/Software (YS.8130.421.1).

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR TRAFFIC LIGHT MAINTENANCE – HIGHWAY DEPARTMENT
RESOLUTION #276

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, invitation to bid for the Traffic Light Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 17, 2019, with the bid amounts for the above-referenced project summarized as follows:

Verde Electric

Hourly Rate:

Regular	\$275.00
Overtime	\$344.00
Sunday/Holiday	\$386.00

NY-Conn Corporation

Hourly Rate:

Regular	\$150.00
Overtime	\$225.00
Sunday/Holiday	\$300.00

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for Traffic Light Maintenance be and is hereby awarded to NY-Conn Corporation, 5 Shelter Rock Road, Suite 8, Danbury, CT 06810-7169.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR FINE MILLING OF BITUMINOUS CONCRETE – HIGHWAY DEPARTMENT
RESOLUTION #277

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, invitation to bid for the Fine Milling of Bituminous Concrete for the Town of Yorktown was duly advertised, and
WHEREAS, said bids were received and opened on July 1, 2019, with the bid amounts for the above-referenced project summarized as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Intercounty Paving Co., Inc.	\$2.69 per SY
Garrity Asphalt Reclaiming, Inc.	\$3.24 per SY
Kect Construction Corp	\$4.00 per SY
Montesano Brothers, Inc.	\$4.30 per SY

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for Fine Milling of Bituminous Concrete be and is hereby awarded to Intercounty Paving Co., Inc. P.O. Box 360, Carmel, NY 10512.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPOINTMENT OF POLICE OFFICER CARTER J. RANA
RESOLUTION #278

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

Be It Resolved, that Carter J. Rana is hereby appointed Police Officer in the Town of Yorktown effective July 3, 2019 to be paid \$56,405.00 annually.

Be It Further Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

APPOINTMENT OF POLICE OFFICER GUILLERMO R. LIZARZABURU
RESOLUTION #279

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

Be It Resolved, that Guillermo R. Lizarzaburu of Yorktown Heights, New York is hereby appointed permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective July 3, 2019 to be paid the contractual salary of \$56,405.00 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 July 3, 2019.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZATION TO SIGN UNDERGROUND LINE EASEMENT – 600 MADISON CT.
RESOLUTION #280

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

It Is Hereby Resolved, that the Town Board Authorizes the Supervisor to sign an Underground Line Easement to install and maintain underground electric cable system on Town property for the benefit of 600 Madison Court. There are no fees or charges associated with this easement.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved to go into Executive Session to discuss the employment of a particular person and will adjourn thereafter.

ADJOURN MEETING

Upon motion made by Councilwoman Roker, seconded by Councilman Patel, the Town Board meeting was adjourned.

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK