

Meeting of the Town Board, Town of Yorktown held on Tuesday, August 13, 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 issues, 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.

Supervisor Gilbert made the following announcements:

On Wednesday, August 14<sup>th</sup> from 9AM to 5PM Mohegan Ave. will be closed between Kimble Ave & Lakeshore Drive. Detours will be in place to enable Verizon to move two utility poles.

On Thursday, August 15<sup>th</sup> Baptist Church Road will be closed from 8 AM to 2 PM for drainage work. You will be able to access eastbound to house #1270 only and access westbound to house #1255 only.

Algonquin Gas Transmission will be performing maintenance operations at their facilities on Lexington Avenue & Stony Street on Thursday, August 15<sup>th</sup> and Friday, August 16<sup>th</sup>. The operations will involve the opening of valves and may result in some noise and odor. They have stated that there is no cause for alarm and that there will be no danger whatsoever to persons or property in the area. If you have any questions concerning this procedure please call Stan Drauss (860) 982-1798.

The New York State Electric & Gas Company, aka NYSEG is seeking a 20% delivery rate increase. The NYS Public Service Company has commenced a proceeding to review NYSEG's requested rate increase. As part of that process, the Public Service Commission holds Public Statement Hearings to get input from residents, businesses, and local leaders. However, the closest Public Statement Hearing originally scheduled by the Public Service Commission was approximately 125 miles from Yorktown. Supervisor Gilbert sent a request to the PSC that a Public Statement Hearing be held in Yorktown. In response to his letter, the Public Service Commission has scheduled a Public Statement Hearing to be held in Yorktown, in the Town Hall Boardroom on Thursday, September 5<sup>th</sup>. An information session will begin at 6pm and the Public Statement Hearing will commence at 7pm. Supervisor Gilbert strongly suggests that residents and businesses served by NYSEG come out to express their concerns relating to the proposed rate hike, service issues, tree cutting, or any other concerns that they may have.

#### RECONVENE PUBLIC HEARING TO ALLOW COMMENT ON THE SECTION 8 2020-2024 HOUSING CHOICE VOUCHER PROGRAM'S FIVE YEAR AGENCY PLAN AND REVISIONS TO ITS ADMINISTRATIVE PLAN

Supervisor Ilan Gilbert reconvened a public hearing to allow comment on the 2020-2024 Housing Choice Voucher Program's Five Year Agency Plan and revisions to its administrative plan.

Housing Director Karren Perez reported that she had not received any comments from the public regarding the Plan.

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

ADOPT 5-YEAR SECTION 8 PLAN FOR FISCAL YEAR 2020-2024 AND THE 2019 SECTION 8 ADMINISTRATIVE PLAN RESOLUTION #317

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

RESOLVED, that following a duly noticed hearing that was held on July 16, 2019 and closed on August 13, 2019, the Town Board hereby adopts the 5-Year Section 8 Plan for Fiscal Year 2020-2024 and the 2019 revisions of the Section 8 Administrative Plan. Such revisions are subject to approval by the U.S. Department of Housing and Urban Development.

A copy of the adopted 5-Year Section 8 Plan for Fiscal Year 2020-2024 and the 2019 Section 8 Administrative Plan are on file in the Town Clerk's Office, the Yorktown Section 8 Office, as well as posted on the Town Of Yorktown's website at [www.yorktownny.org](http://www.yorktownny.org).

Supervisor Ilan Gilbert	Voting Aye
Councilwoman Alice Roker	Voting Aye
Councilman Vishnu Patel	Voting Aye
Councilman Thomas Diana	Voting Aye
Councilman Edward Lachterman	Voting Aye

Resolution was thereupon declared adopted.

SEWER UPDATE – REQUEST FOR INCREASE SPDES PERMIT

Town Engineer Michael Quinn and Wastewater Treatment Plant Assistant Superintendent Ed Mahoney came before the Board to give an update on sewer projects. Mr. Quinn said the flow levels in the Hallocks Mill Sewer District over the last 8 months have had significant increases that he believed to have been caused by very wet weather. The increase has brought the Town close to the 1.5 million gallon/day limit on the SPDES permit. Mr. Mahoney said flows have moderated down to 900,000 gallons/day, most likely because it has been drier; however, the Town can anticipate this happening again. The Town was noticed by the Department of Environmental Conservation to come up with a flow management plan since the Town came so close to our rolling average. Mr. Quinn said that he told the State the Town is aware of the condition and are continually monitoring it and are working on a plan to ask the State for an increase in our permit. Mr. Quinn said he reached out to the county to see if other communities are dealing with this issue and discovered that there are. We still will continue with a plan to increase our permit.

Councilwoman Roker asked for Mr. Quinn's recommendation because she believed this is going to become our new normal and we have yet to go into the autumn months which may mimic the spring.

Councilman Patel asked how much it will cost to get the increase in the SPDES permit and Mr. Quinn said there are a few things that the Town needs to address. When we increase our flow beyond the 1.5 million gallons, the DEC wants a stricter limit on phosphorous being discharged into the Hallocks Mill Brook. We generally meet this limit, but not every month. We will have to do some in-plant testing to see if we can consistently meet these lower phosphorous levels because that is what the regulators will ask for. We also have to justify an increase in the flows. We will also need to investigate illegal hookups, broken pipes, manholes near streams, etc. – anything that would allow stream water to come into our treatment plant.

Mr. Ed Mahoney said the plant is designed for more flow and that is why we pass all of the tests. Basically, we are wasting capacity. Supervisor Gilbert said when he went to the DEP he had hoped for a conditional increase in the permit as long as we did some of the things that they have been asking us to do for some time.

Councilman Diana asked what causes the phosphorous and Mr. Quinn said it is caused by human waste.

Mr. Quinn said he would like to engage a consultant to negotiate with the DEC, help us to do flow modifications in the plant to keep our phosphorous levels low (possibly with some chemical

additions), and quantify the cost for the increased permit. Then we can go back to the State and show them that we are responsible enough for the increased permit.

Supervisor Gilbert said the DEP was on board saying they would advocate for a temporary permit increase as long as we did some of those things they were requiring.

#### SUMMARY OF REQUEST FOR PROPOSALS – INFLOW AND INFILTRATION FLOW STUDY

Mr. Quinn said this issue involves the Consent Order for an Inflow and Infiltration Flow Study in the Peekskill Sewer District. Supervisor Gilbert said that this Consent Order was based on incidents that occurred in 2016. Mr. Quinn said that between 2014 and 2016 there were approximately 20 reported releases of wastewater into the environment. Generally, they involved manholes that had backed up, a sewer line, etc. Supervisor Gilbert said that even though the Town got hit with a Consent Order, these issues were handled by Ed Mahoney and the Sewer Department within hours or days of the report. This was not a situation where these were dragged out. Ultimately, the Town agreed to do a flow study to find out if there is a lot of inflow and infiltration coming into the sewers. The sewers in the Peekskill collection system go to a county-owned treatment plant, not into Town-owned plants in Yorktown.

Mr. Quinn said a request for proposals for the study was issued and ten firms gave us proposals and there was quite a range in pricing. He recommends that the Board interview four companies to give their pricing and background. All responses answered the RFP responsively – each one can meet the standards, although the amount of monitoring (flow monitors, groundwater monitors, manhole inspections) varies. Mr. Quinn stated that more monitoring would be better. He said that when the RFP was issued, it stated that they have to follow the EPA standards for a flow study. We did not specify how many flow monitors, or the numbers of manhole checks; we deliberately left it open to the professionals to give us guidance and this is probably what accounts for the variability in the proposals. The more stations we get monitored, the more defined areas we will have of where to do the work. All of the applicants can meet the EPA standards so the DEC will accept any one of them.

Councilwoman Roker asked Mr. Quinn if he would want them to monitor more and he said that if you monitor more, the areas are smaller. If we find a problem, we will be working in a smaller, more defined area, which makes more sense.

Mr. Ed Mahoney said to give the State what they want – more monitoring will cost more money up front. And when they find something, the Town will be made to fix it immediately. He stated he would rather spend money on the back end then put a couple of extra meters in somewhere. So money will have to be set aside for problems he said he knows they will find as well as spending money on the monitors up front.

Mr. Quinn recommended bringing in four firms: Weston & Sampson, Environmental Design & Research, GHD Consulting Services, and Barton & Loguidice. Their scope seems similar, their pricing was competitive, and the reasonable number of stations.

Councilwoman Roker suggested doing all four in one night, since time is a factor.

The study should take about 8 to 10 weeks, and we have a year to complete the study. Typically, they begin studies in the spring during the wettest season. We have to submit the results in August 2020.

Councilman Patel asked how often the Town will have to do this study in the future. Mr. Quinn said that once the State sees the results of the study, we will have to figure out what, if anything, we are obligated to do to address the issues.

A discussion took place regarding grease buildup in the pipes and what can be done to remove it.

Mr. Quinn said there was an inspection done by the Westchester County Health Department this past April that identified many issues that needed attention. He and Mr. Mahoney have been addressing them; one of which was piping the Town had put in a chemical storage area that needed to be moved into the containment area.

Mr. Quinn also addressed Tighe & Bond's investigation of cracks in the water tanks to determine whether they were surface or structural cracks. Their conclusion was that the cracks will not pose any imminent or near failure to the tanks.

Mr. Quinn also gave an update on the Work Order Management System being developed by Woodard & Curran. He said they have had some issues getting changes done (Woodard & Curran lost a key person who was working on our system). Mr. Quinn said that he has a meeting with them to roll out new changes that will involve re-training the Water and Sewer Departments, as well as try to bring the Highway Department into the system.

Councilwoman Roker thanked Mr. Quinn for doing presentation and getting the Board up to date.

Mr. Quinn listed the Capital project in progress:

1. Pump station rehabilitation projects. This has been ongoing and has been a struggle. Mr. Mahoney said the contractor being used is not exactly used to this type of work. There are many issues with all three stations that are being worked on. Mr. Quinn said it is a very intricate, complex project that takes a lot of time. He feels the October 2019 completion date is still attainable.
2. LynStaar Engineering was contracted to do interconnection with our emergency generator. There is a way to interconnect two generators at the plant. It is an electrical upgrade that will allow us to interlock the generators and the project should be finalized by the end of the year. It will cost approximately \$550,000 and will be necessary if we are doing all of the other projects. Mr. Mahoney said he has two contracts he will be asking the Board to consider regarding a deal to take care of the generators and some other equipment. He stated the Town's procurement policy was followed. Mr. Quinn said this project will increase the resiliency of our plant.
3. Mr. Quinn said the next item is to kick off the other pump stations for rehabilitation/replacement for next year. The Board has spoken to the three firms who responded to the RFP but has not yet made a decision. Mr. Mahoney urged the Board to award the RFP for this project since this needs immediate attention. The work will span from 2020 to 2021. Mr. Quinn said he would also like to apply for funding for this. Councilwoman Roker said she is going to visit the Town congressional representative to seek available federal funding.
4. Hallocks Mill Sewer District Extension Project – Phase I. This is the \$14.1 million project to benefit 315 parcels. The Board authorized a grant application submission a couple of months ago that was submitted in July. If we get an award, it will be for \$1.7 million and we should hear by the end of the year. But in order to move this project forward, we need the County to really engage and get behind the project. Ultimately we have their approval for \$10 million but we need the \$10 million. We need an IMA between the County and the Town in order to get this going. Supervisor Gilbert said they are working on it with the legal department and the county. Councilwoman Roker said there are so many people who have been waiting for us to do something and asked if it is possible to break up this \$14 million into smaller phases? Mr. Quinn said yes. However, Supervisor Gilbert said we need to get the \$10 million committed first. We are in good shape and the County is very supportive of the project. The provisions of the money were discussed. Councilwoman Roker talked about holding informational meetings that Councilman Lachterman said would be appropriate for transparency's sake. A discussion regarding the cost of pumps to the residents took place, as well as possible funding options.
5. Hunterbrook Sewer District. Mr. Mahoney said a new flow meter, grinder pump, and compressor have been purchased. The plant is 20 years old and is almost now at capacity (it was bonded for 30 years). Mr. Quinn said in the next few months they will be investigating what all of the issues at the plant and will come up with a plan for repairs. He said a better balance of costs needs to be looked at for a fairer allocation: we have 8 stations within the Peekskill Sewer District and Hunterbrook is one of them.

A discussion of the following resolution took place with Michael Grace, attorney for the owners of the Jefferson Valley Mall.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE OWNERS OF THE JEFFERSON VALLEY MALL  
RESOLUTION #318

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

It Is Hereby Resolved that the Town Board Authorizes the Supervisor to sign an Agreement with the Owners of Jefferson Valley Mall to assume ownership of certain water main improvements located at the Jefferson Valley Mall. The Owners agree to reimburse the Town of Yorktown for all maintenance and repair expenses for a period of five years. There are no other fees or charges associated with this Agreement.

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

PROPOSED LOCAL LAW TO AMEND CHAPTER 275 “VEHICLES AND TRAFFIC” RELATING TO COMMERCE STREET

Town Attorney Richard Abbate said there is a small section of Commerce Street where it is legal to park and poses a safety issue; this new proposed amendment will take care of the problem. It also poses a problem for the fire trucks exiting the fire station and making a right turn. Parked cars also force moving vehicles to cross over the double yellow line.

AUTHORIZE TOWN CLERK TO ADVERTISE A PUBLIC HEARING FOR A PROPOSED LOCAL LAW TO AMEND CHAPTER 275 “VEHICLES AND TRAFFIC” RELATING TO COMMERCE STREET  
RESOLUTION #319

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

RESOLVED, that the Town Clerk is authorized to advertise a public hearing for September 17, 2019 to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” Article 1, entitled “Traffic and Parking Regulations,” by repealing and replacing that portion of §275-4A relating Commerce Street.

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

STORMWATER AND TREE PERMIT APPLICATION – 1690 AMAZON ROAD (CRONIN)

Mr. Cronin said he met with Town Engineer Michael Quinn to settle some of Engineering’s concerns (setback issues). Councilwoman Roker asked how much land disturbance was he expecting and Mr. Cronin said not much because it is not a large lot. Mr. Quinn said this is a Town Board action because it is more than 200 cubic yards of earth being moved. Councilwoman Roker said the application will need to be referred to the appropriate agencies/boards and then a public hearing date can be set.

SPECIAL USE PERMIT APPLICATION - 7-ELEVEN/SUNOCO SIGNAGE

Ms. Nancy Forrest, from GNS Group, Ltd., explained that this application for a signage change is a replacement of an existing sign. It was sent to Joe Venetucci in the Building Department who referred them to the Town Clerk’s office for a special use permit since it is a gas station. The building sign was originally a square sign but ABACA would like it to fit within the façade instead of sticking above the parapet, which Ms. Forrest said they could do. The Planning Board said they would prefer a monument sign lower to the ground. They already had lowered it by a foot and reduced the square footage by a half. It went from just under 50 square feet to 25.3 square feet for the new sign. The 7-Eleven Corporation would prefer to keep their original height of 16 feet because of visibility issues. They are willing to do cosmetic changes and landscaping to make it more aesthetically pleasing.

Councilman Lachterman said it would be a good compromise to landscape the base of the sign. A public hearing will need to be set.

AUTHORIZE TOWN CLERK TO SET A PUBLIC HEARING DATE FOR SPECIAL USE PERMIT RECEIVED FROM 7-ELEVEN SUNOCO STATION  
RESOLUTION #320

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

RESOLVED, the Town Clerk is authorized to set a public hearing date to consider the Special Use Permit Application received by LSI Graphic Solutions for property located at 3640 Lee Boulevard, Jefferson Valley, NY, also known on the Tax Map of the Town of Yorktown as Section 16, Block 1, Lot 16 for the purpose of construction of new signage for the 7-Eleven/Sunoco Gas Station.

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

AUTHORIZE SUPERVISOR TO SIGN AN EASEMENT AGREEMENT TO INSTALL AND MAINTAIN A PAD MOUNTED TRANSFORMER ON TOWN PROPERTY  
RESOLUTION #321

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

Resolved, that the Town Board Authorizes the Supervisor to sign an Easement to install and maintain a pad mounted transformer on Town property for the benefit of the Cell Tower being installed at Quinlan Street, Tax Parcel ID #27.05-1-16. There are no fees or charges associated with this easement.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH ENERGIZE NY OPEN C-PACE FINANCING PROGRAM  
RESOLUTION #322

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

Resolved, that the Town Board Authorizes the Supervisor to sign an agreement with the Energy Improvement Corporation in connection with participating in the Energize NY Open C-PACE Financing Program. There are no fees or charges associated with this Agreement.

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

APPROVAL OF OVAL TENNIS, INC. CHANGE ORDER NO. 1 FOR WORK AT THE DOWNING PARK TENNIS COURTS  
RESOLUTION #323

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

Resolved, that the Town Board approves Oval Tennis, Inc. Change Order No. 1 in the amount of \$3,250.00 for Net Post Footing and Anchor and Footing costs associated with the Downing Park Tennis Courts Resurfacing and Reconstruction.

Be It Further Resolved, the Town Comptroller is authorized to pay Oval Tennis, Inc. Change Order No. 1 the amount of \$3,250.00 to be paid from the Parkland Trust Fund.

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

ADJOURN MEETING

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

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