

Meeting of the Town Board, Town of Yorktown held on Tuesday, August 6, 2019 at the Granite Knolls Sports & Recreation Facility, 2975 Stony Street, Mohegan Lake, New York 10547.

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 Councilwoman Roker, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel, litigation, and negotiations. Upon motion made by Councilwoman Roker, seconded by Councilman Diana, 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, as well as the first responders and victims of the recent shootings in the country.

#### SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN

Supervisor Gilbert stated that all Town flags were flown at half-staff from July 18<sup>th</sup> until sunset on July 19<sup>th</sup> to honor the passing of Nancy Elliott, a former Yorktown Supervisor from 1980 to 1992.

Supervisor Gilbert said that Yorktown is lucky to have a number of outstanding individuals working for it. He said that most of them do their work every day without notice; therefore, he is happy to hear from residents who take the time to write a letter to express their appreciation for the work of those individuals who keep the Town operating smoothly. He said that two of those individuals are Cathleen Romanych and Jeff Baumeister in the Yorktown Water Department who went above and beyond their duties recently when they responded to a homeowner's request for help when his basement was filling with water.

Supervisor Gilbert reported that during the recent heat waves, his office had participated in Con Edison Municipal Conference Calls to monitor the situation and potential impact on the Con Edison electric system and our residents. Con Edison is working on a storm-hardening program by replacing existing utility poles with taller and stronger poles. In some cases, the proposed tree trimming related to this activity can have adverse impacts in neighborhoods and adversely affect the character of some of those neighborhoods. He said that he recently became aware of such a situation and after personally reviewing Con Edison's plan; he was able to successfully convince them to adjust the plans so that the amount of trimming and tree removal was substantially reduced and the tree-lined character of that neighborhood was retained.

Supervisor Gilbert said he had also initiated phone calls to NYSEG concerning their preparations and response to outages and their tree trimming program and the problems it has created for our town and its residents.

Supervisor Gilbert reported that it should be noted NYSEG has filed a request for a 20% delivery rate increase before the NYS Public Service Commission. The Commission scheduled Public Statement Hearings for this August but the closest location was approximately 125 miles from Yorktown.

Accordingly, he sent a letter to the Administrative Hearing Officers who are conducting the hearing to request they schedule a Public Statement Hearing in Yorktown so that our residents can have an opportunity to present their concerns in this matter. He received a response to his request and the Public Service Commission has tentatively scheduled a Public Statement Hearing in Yorktown on September 5<sup>th</sup> starting at 6pm. It is important that Yorktown residents and businesses use this opportunity to make their concerns known.

Supervisor Gilbert said he has been able to procure, through the efforts of our Parks & Recreation Commission and Parks Department, a grant for the construction of an Adaptive Use Playground at Granite Knolls. He said he is tremendously grateful to Senator Peter Harckham and Senate Majority Leader Andrea Stewart-Cousins for procuring this grant for the Town. This will enable all children to enjoy accessible play options, which includes an appropriate rubberized tile surface in the play area. It is anticipated this will inspire children of all abilities and allow them to play together. This addition will further enhance the Town's outstanding Granite Knolls facility.

Supervisor Gilbert reported the Town has applied for nine different grants for six different projects in the Town. The grants were applied for after careful consideration and review of the eligibility requirements for various grants, how the Town's projects would score during the grant review process, and related grant requirements. He attended NYS grant briefings and met with representatives of state agencies to determine which grants would best fit the Town's needs and for which the town would have the best chance of securing. This was important to enable the Town and its staff to focus their energies on those grants that the town would be more likely for which to qualify.

Supervisor Gilbert said the Town has applied for over \$ 2.5 million in grants to:

- 1) improve our mapping of MS4 (municipal separate storm sewer systems) infrastructure, which includes identification of stormwater priority areas. Yorktown served as the lead party in a consortium of local communities, which should improve our chance of acquiring this grant.
- 2) additional funding for the first phase of the Hallocks Mill Sewer District project which is intended to extend sewers to an additional 315 residential parcels. If successful, this grant would supplement the \$10 million that is already being allocated to this project from other sources.
- 3) to develop a park on the site of the former Holland Sports Club in the vicinity of Lake Mohegan.
- 4) additional grant for Mohegan Lake to help revitalize the lake and reduce non-agricultural non-point source pollution, which hopefully will eventually result in less phosphorus entering the lake.
- 5) construction of a spray park and tot lot adjacent to an existing playground at Sparkle Lake.
- 6) a planning grant to facilitate the review of the requirements necessary to reconstruct the Zino barn and study the possible alternative uses for the barn in order to maximize its potential to further enhance the downtown area.

Supervisor Gilbert reminded residents that it is up to each and every one of us to help maintain the appearance of our Town, both businesses and residents alike. Towards this end, temporary signs, including garage or tag sale signs should be removed after the event. We should all take pride in the appearance of our Town.

Supervisor Gilbert announced the following upcoming events:

- August 7<sup>th</sup> from 6:00 PM-7:30PM Senator Harckham, in conjunction with the NYS Office of Alcoholism & Substance Abuse Services, is sponsoring a Free Naloxone Training – Learn to Save a Life at the Yorktown Fire Company No. 1 at 1916 Commerce Street. To attend, please call (845) 225-3025.
- There will be a Free Rabies Clinic for Dogs, Cats & Ferrets of Westchester County residents on Saturday, August 10<sup>th</sup> from 10:00 AM-2:00PM at SPCA of Westchester, 590 North State Road, Briarcliff Manor. Appointments required. Please call (914) 941-2896 Ext. 10

Supervisor Gilbert said opportunities are available to volunteer with Alliance for Safe Kids this summer to help provide the community with fun activities and connections to resources. Adults, families, and high school students are welcome. The next opportunity to volunteer is Thursday, August 29, 2-9pm at Sunset Markets - Family Fun & Food Festival at the Jefferson Valley Mall

The Yorktown Grange Fair is being held this year from September 6<sup>th</sup> through September 8<sup>th</sup> at the Grange Fairgrounds at 99 Moseman Road in Yorktown. It features rides, exhibits, livestock, contests, live music. There is a new low price this year, \$10 per carload. There is something for everyone.

#### REPORTS FROM THE TOWN COUNCIL

Councilman Diana said he received word from the Senate that the Pinesbridge Monument grant has finally made its way to the Division of Budget where it follows another process; however, the Town will receive the money it paid out for the statue in Railroad Park.

Councilman Diana also reported that the first Night Market was held on Friday night behind the Yorktown Engine Company. He said they would like to move the location to Railroad Park. The days and hours are: August 9 & 10, 30 & 31, September 20 & 21, 27 & 28 from 4:00 to 10:00 PM.

Councilman Patel asked people not throw out chemicals in their garbage. He also cautioned to make sure any charcoals from barbeques are completely extinguished before disposing of them.

Councilman Lachterman spoke about the Night Market, which is basically a farmer's market/ flea market that is held in the evening. It has many different vendors selling various products. He feels that moving it to Railroad Park would make it more visible and a benefit to surrounding businesses.

Supervisor Gilbert and Councilman Patel mentioned the Night Market needing appropriate permits in order to use the Town Park.

Councilman Lachterman introduced Purple Heart Recipient, Brian Sillick, in honor of Purple Heart Remembrance Day for those who have served and/or sacrificed for their country. Mr. Sillick earned his Purple Heart in 1967 in Vietnam.

Councilman Lachterman mentioned the Lions Concert, Lights Out (a Frankie Valli Tribute Band). This week's upcoming concert is Tramps Like Us (a Bruce Springsteen Cover Band), who are a local band. The last concert is scheduled for August 25 which is a band featuring the British Invasion Years.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent David Paganelli reported that they are done with paving for the year. He thanked the Board for their funding, as well as former Senator Murphy for the funding for the paving on Quinlan Street.

#### AUTHORIZE ASSESSOR TO ATTEND CONFERENCE FOR THE 2019 NEW YORK STATE ASSESSORS' ASSOCIATION ON ASSESSMENT ADMINISTRATION RESOLUTION #308

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

Whereas, sufficient funds exist in the Assessor Training line to cover the cost of expenses, including lodging and seminar,

Be It Resolved, that Kim Adams Penner has permission to attend the 2019 New York State Assessors' Association on Assessment Administration to be held in Lake Placid, NY from September 22, 2019 thru September 25, 2019.

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

AUTHORIZE SUPERVISOR TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER TO PARTICIPATE IN A SPECIAL ENFORCEMENT DETAILS

RESOLUTION #309

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

Resolved, that the Town Supervisor is authorized to sign an Inter-municipal Agreement with the County of Westchester to participate in a special enforcement detail that involves road checks, saturation patrols, and drug recognition call outs for the period from October 1, 2019 and through September 30, 2020. The County shall pay the Town an amount not to exceed \$10,000.00.

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

ACCEPT AN OFFICIAL ORGANIZATIONAL CHART FOR THE TOWN OF YORKTOWN

RESOLUTION #310

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

Resolved, that the Town Board accepts an Official Organizational Chart for the Town of Yorktown.

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

APPROVE WAIVING OF RENT FEES IN THE AMOUNT OF \$988.00 FOR USE OF THE GYMNASIUM AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER FOR NOR-WEST

RESOLUTION #311

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

Resolved, that the Town Board waives the rent fee for Tuesday evenings from 4:00-6:00 PM for 13 weeks September to December totaling \$988.00 for use of the AACCCC gymnasium by Nor-West for the Fall & Winter session.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #T-WP-BSWPPP-037-18 – DAVINO - SAW MILL RIVER ROAD

RESOLUTION #312

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

Whereas,

1. Neil Davino as applicant, posted check #2589 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on July 20, 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. Neil Davino, 1101 Saw Mill River Road, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #T-BSWPPP-010-18 – BELLAMY  
- STONY STREET  
RESOLUTION #313

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

Whereas,

1. Joe Bellamy Construction as applicant, posted check #2889 in the amount of \$500 to serve as the Performance Bond which was deposited to the T33 account on July 30, 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 \$500 bond be and is hereby released to Joe Bellamy Construction, 2333 Willoway Street, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO PROCESS A PURCHASE ORDER IN THE AMOUNT  
OF \$18,001.70 FOR THE PURPOSE OF PAYING FOR REMOVAL AND DISPOSAL OF  
CONTAMINATED MATERIALS AT THE JEFFERSON PARK PUMP STATION  
RESOLUTION #314

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

Whereas,

1. At the 7/16/19 Town Board meeting, a resolution was passed that authorized the Comptroller to make a budget transfer in the amount of \$45,000 from Sewer Fund- Fund Balance to YS.8130.462 Pump Station Maintenance & Repair for the purpose of paying for remediation of leaking underground fuel tanks at two pump stations.
2. At the 7/23/19 Town Board meeting, a resolution was passed that authorized all site stabilization work performed at the Jefferson Park PS on 5/30/19 and 6/5/19 to be an Emergency Repair, with the work performed by World Management Services.
3. In order to complete the work at the Jefferson Park PS, contaminated materials must be removed and disposed of in accordance with NYSDEC regulations. The Town will obtain a waste manifest for all disposed materials for our records.
4. In accordance with the Town of Yorktown procurement procedures, written quotes were received from three (3) firms. The Department recommends award to World Management Services, the lowest written quote received, in the amount of \$18,001.70.
5. If this purchase order is approved by the Board, the total amount of work performed by World Management Services at the Jefferson Park PS will be \$34,950, which is below the \$35,000 threshold whereby sealed bids are required by General Municipal Law.

Resolved, the Town Comptroller is authorized to approve a purchase order in the amount of \$18,001.70 for the purpose of paying for removal and disposal of contaminated materials at the Jefferson Park PS.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER  
FOR THE WATER DEPARTMENT  
RESOLUTION #315

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

Be It Resolved, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$292,526 from the Water Department Fund Balance to the Water Department Professional Services NWJWW line (SW.8340.0490.0002) for the 2018 Administrative fee that was not billed in Fall of 2018.

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

Councilman Diana stated that the following resolution is the grant that will showcase the Granite Knolls Recreation and Sports Complex by providing an inclusive playground for children of all abilities. The Board is eager to receive this grant. Town Clerk Diana Quast (and Parks and Recreation Commissioner) said they are in the process of completing the paperwork and will most likely take a minimum of three months to be approved. Once it is approved, the money can be spent. Councilman Diana said he does not want to see this grant get held up in bureaucratic red tape. This is a 100 percent grant – there is no matching contribution. The Comptroller is requesting the money be moved now so that it is set aside for when the grant comes in.

ACCEPT STATE AND MUNICIPAL FACILITIES GRANT (SAM GRANT) IN THE AMOUNT OF \$250,000 FOR AN INCLUSIVE PLAYGROUND AT GRANITE KNOLLS RECREATION AND SPORTS COMPLEX AND AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER  
RESOLUTION #316

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

Resolved that the Town Board accepts the State and Municipal Grant (SAM Grant) in the amount of \$250,000 for the inclusive playground at the Granite Knolls Recreation and Sports Complex.

Be It Further Resolved, that the Comptroller is authorized to transfer \$250,000 from the General Fund – Fund Balance to Capital Project HA Granite Knolls Sports Facility for the expenditure of the inclusive playground to be reimbursed by this grant.

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

PRESENTATION BY THE YORKTOWN GRANGE FAIR ASSOCIATION

Ms. Nicole Fervan from the Yorktown Grange Fair Association gave the background and history of the fair which originally took place at Railroad Park, then at the Jack DeVito Memorial Field, and finally to the current Fairgrounds. She related the history of the fair as it relates to her own family history.

Ms. Heidi Bornemann from the Yorktown Grange Fair Association gave information about how the fair will be this year. The fair focuses this year on the complementary relationship between the community and local agriculture with the theme “Back to the Garden.” The Fair will run from September 6 through September 8. There is a new artisan area with handmade items for sale by local artists. There is also the livestock show (horses, cows, sheep, goats, poultry, and newly added rabbits). The Yorktown Grange Fair is the only true county fair in Westchester County – a fair counts on and relies on the community to participate.

POET LAUREATE

Poet Laureate John McMullen recited his poem “Taller, Prettier, Smarter.”

COURTESY OF THE FLOOR

The following members of the public spoke:

Linda Miller, representing Advocates for a Better Yorktown, stated that when land is developed it is likely that there will be an unavoidable loss of some trees and woodlands along with the important functions they provide for us. In the current tree law, required mitigation to replace these lost functions is left to the discretion of the approving authority. There is no mitigation for lost woodland functions whatsoever, because woodlands are not even recognized, valued, or protected in the current law.

The proposed tree and woodland conservation law required mitigation for non-administrative permits but, given this mandatory mitigation under the proposed law, the approving authority has a great deal of discretion to tailor the details of the mitigation plan. Allowing the approving authority to waive the mitigation requirement will quickly revert tree and woodland protection to the inadequate way things work now. Under the current law, the argument has been that a mitigation plan specifically addressing the functions of trees and woodlands is not necessary because the developer is required to do landscaping, or a stormwater management plan, or a wetlands mitigation plan, or that somehow SEQRA mandates mitigation. But when is the last time there was a positive SEQRA declaration? Landscaping and stormwater management may touch on some tree and woodland function but they are no substitute for a mitigation plan that identifies documents and evaluates what is loss and how the loss will be compensated. Ms. Miller continued to speak about the need for the new proposed law and how it has been misinterpreted and addressed the objections voiced by residents.

Mrs. Joanne Sillik, resident, thanked the Board for recognizing her husband, Brian's, service and as Purple Heart recipient. She raised the subject of the proposed rezoning of the DP Yorktown Hill Farm property that has been voiced at previous meetings. She asked what kind of information the Board is waiting for to make a decision.

Mr. Ken Belfer, Lake Mohegan Association, said that the two beaches that had received Health Department permits, Mohegan Colony Beach and the Mohegan Beach Park, are tested weekly by the Health Department and can be closed by the Health Department but cannot be opened by them. It requires a test to be done by a state lab up in Albany and they are not allowed to send that water test except under very specific conditions. It has been frustrating because they did send a water test to the state lab but it was not sent in state bottles and the state would not do the test. Therefore, the beaches were not opened. Mr. Belfer said there is blue - green alga in the water but no floating blooms. The Health Department was called to inspect and, unfortunately, floating blooms appeared and the Health Department could not take a water test to try to send to the state again.

Mr. Belfer said he attended a field trip to Putnam Valley and Lake Peekskill and met with a contractor who is doing work there to clear up the blue-green alga present. He said they are getting a proposal from the same contractor for work on Lake Mohegan. Mr. Belfer said it is a combination of a heavy-duty aeration system and bacteria and enzymes that allegedly eat away at the muck at the bottom of the lake and take up the nutrients. It cost \$175,000 for a three-year contract at Lake Peekskill – most of the cost for the up-front work, followed up by maintenance. He said his guess for Lake Mohegan would be about \$350,000 and he will explore grant opportunities.

Supervisor Gilbert asked Mr. Belfer about the pilot project and thought it was remedied but now realizes the pilot program was not successful. Mr. Belfer said the lake is probably a little worse than it was prior to the pilot program. In his opinion, Mr. Belfer said their guess (which they are trying to back up with hard data) felt the DEC was so conservative in the way they planned the pilot and they used such a bare minimum dose of alum to eliminate phosphorous that there is still a lot of phosphorous in the sediment and the lake.

Councilman Diana asked if they still use copper sulfate and was told they switched to cutrine ultra, which is another form of copper that is much more effective against blue-green alga. It is also much more expensive (approximately \$7,200 per treatment) and they are having treatments done every two weeks.

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

#### ADJOURN

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

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