

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 16, 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 to discuss individual 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.

#### 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.

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

Supervisor Gilbert reported that today a tractor-trailer truck took out a number of Verizon wires that resulted in the loss of telephone service at the Police Department, the Library, and other locations in Town. His office contacted NYSEG, Verizon, and Optimum to have them dispatch crews. NYSEG confirmed that none of their lines were affected. Information about this accident was transmitted to residents via NIXLE, including the fact that even though the Police Department's phones were down, an emergency could still be called in using 911. Supervisor Gilbert stressed the importance of signing up for NIXLE, as it has become a major vehicle for communicating emergency situations, power outages, street closings, water main breaks, etc. Supervisor Gilbert invited Police Chief Robert Noble to the podium to give an update on the situation.

Chief Noble talked about the tractor-trailer accident that Supervisor Gilbert described. There were no injuries, no loss of power, but did lose phones and television (Verizon related). He is hoping the road will be open in the early hours of tomorrow morning and services restored. The YPD posted the safety issues of the downed lines for residents. If a resident sees a downed wire, the police department should be notified.

Supervisor Gilbert reported that Con Edison is continuing to work on replacing a number of its utility poles as part of its storm-hardening program. As a part of this program, they will be trimming trees and, in some cases, removing trees. He has received some complaints, some of them justified, about Con Edison's cutting may result in a change in the character of some of the neighborhoods. He said he has met with Con Edison representatives and homeowners at some of the sites to review the situation. Con Edison has agreed to make adjustments that will minimize the amount of trees removed in particular situations.

Supervisor Gilbert reported that AVANGRID plans to expand its partnership with Nissan North America to provide NYSEG customers and employees with a \$5,000 discount on the purchase of a Nissan LEAF electric vehicle. Customers are encouraged to visit [www.energy.gov](http://www.energy.gov) to learn more about federal and state electric vehicle tax credits and other incentives. You may also learn more at [www.avangrid.com](http://www.avangrid.com).

Supervisor Gilbert mentioned again about some serious issues that have been occurring when conducting business on Craig's List. This has resulted in the Police Department establishing

an Internet Purchase Exchange Zone at the Police Department wherein you can meet the buyer or seller at two designated parking spaces that are covered by surveillance cameras 24/7. The parking spaces are located in the Police Department parking lot at 2281 Compond Road. However, it should be noted that while the parking lot is covered by surveillance cameras, the Yorktown Police Department cannot guarantee your safety while you are in the lot.

Supervisor Gilbert reported the Refuse and Recycling Department would like to remind everyone that common automotive fluids and household chemicals, including pool chemicals, are never to be disposed of in the trash or down the drain. When tossed into the garbage, chemicals may injure sanitation workers, react on the truck or pollute the air when incinerated. An environmentally sound disposal option is to bring the items to Westchester County's "Household Hazardous Waste Drop-Off Site" in Valhalla. Residents will not be charged for disposal, however, you must make an appointment by calling (914) 813-5425. Please take a few moments to review what type of household items can and what cannot be picked up at curbside on the town's website: [www.Yorktownny.org/refuserecycling](http://www.Yorktownny.org/refuserecycling). If you have questions regarding the solid waste disposal services that we provide, please do not hesitate to call the Refuse & Recycling Office (914) 245-4438.

Supervisor Gilbert announced that All Town flags were flown at half-staff from July 11th until sunset on July 12th to honor the passing of Sonny Woodard. Mr. Woodard was a lifelong resident of Yorktown and the owner of The Meadows Farm since 1958.

Supervisor talked about the County Department of Community Mental Health and the Mental Health Association of Westchester have worked on a Westchester County Suicide Awareness & Prevention Task Force. The mission of which is to increase awareness, decrease stigma, and implement and support, programs throughout Westchester County aimed at suicide prevention. Many people are not aware of the resources available to assist individuals in Westchester. Supervisor Gilbert said that unfortunately our town is not immune from the pain and suffering that results from mental illness. For additional information on the Westchester County Suicide Prevention & Awareness Task Force please contact (914) 995-5225 or email [mno6@westchestergov.com](mailto:mno6@westchestergov.com) or [bernsteinb@mhawestchester.org](mailto:bernsteinb@mhawestchester.org). Additional information will be available on the Town website in the near future.

Supervisor Gilbert announced that Senator Peter Harckham's Veterans Advisory Council will be having a meeting on Wednesday July 17, 6:00 PM at the Yorktown VFW Post 8328.

Supervisor Gilbert reminded everyone that on Thursday, July 18, 2019 at approximately 7:00 p.m. at DeVito Field, the Town Park's Department is showing for free the movie, *Peter Rabbit*. The movie will begin at dusk (or when it gets dark enough). Supervisor Gilbert thanked this year's sponsors: Mohegan Audi, Mohegan Fire Department, Law Offices of Mike Resko, Yorktown Youth Soccer Club (YYSC), Yorktown Athletic Club (YAC) & Orange Theory.

#### REPORTS FROM THE TOWN COUNCIL

Councilman Diana reminded everyone to conserve air conditioning during the upcoming heat wave to avoid brown-outs. He also reported that residents should avoid the intersection at Broad Street and Loder Road due to a water main break. It will require a different type of remediation (more testing) before the Town can provide clean drinking water. Councilman Diana also reported that the Quinlan Street paving job has begun. He mentioned the grant that was given under Senator Murphy's term that helped get this accomplished. He said the Lions' Club sponsored another wonderful concert and looks forward to the next one.

Councilwoman Roker said Rose Vanca, who worked as a dispatcher at the Yorktown Police Department and recipient of several awards, retired after 33 years at the YPD. She said it was wonderful to see an unsung hero honored by the police department and she will be missed.

Councilman Patel mentioned Lake Day and that it was a wonderful event. He talked about how the lake has improved over the years. He also mentioned that during the upcoming heat wave, please check on neighbors, take care of your pets, and conserve water as much as possible.

Councilman Lachterman said please make sure you stay hydrated and avoid being outdoors during the heat wave.

He announced the following: the movie at DeVito Field, the next concert is Cherish the Ladies on Sunday, July 28, which begins 3 weeks of concerts in a row. There is no Senior Advisory meeting this Friday and meetings are suspended until September. The milling on Quinlan should be about a two-week project.

POET LAUREATE

Yorktown Poet Laureate John McMullen read an original poem “Listening to Poetry I Don’t Understand.”

APPOINT MICHAEL P. UHL TO POLICE OFFICER IN THE YORKTOWN POLICE DEPARTMENT RESOLUTION #281

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

Be It Resolved, that Michael P. Uhl of Yorktown Heights, New York is hereby appointed contingent permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective July 19th, 2019 to be paid the contractual salary of \$45,125.00 annually,

Be It Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 72 weeks, commencing on the first date of appointment on July 19th, 2019.

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

APPOINT JOYCE G. PAGLIUCA TO POLICE OFFICER IN THE YORKTOWN POLICE DEPARTMENT RESOLUTION #282

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

BE IT RESOLVED, that Joyce G. Pagliuca of Yorktown Heights, New York is hereby appointed contingent permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective July 19th, 2019 to be paid the contractual salary of \$45,125.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 72 weeks, commencing on the first date of appointment on July 19th, 2019.

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

APPOINT TIMOTHY J. COLLINS TO POLICE DISPATCHER FOR THE YORKTOWN POLICE DEPARTMENT RESOLUTION #283

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

Be It Resolved, that Timothy J. Collins of Yorktown Heights, NY, is hereby appointed Police Dispatcher, job class code 0144-01, from Eligible List No. 62-653, effective July 24, 2019 to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 1 which is \$57,692.00 annually;

Be It Resolved, contingent upon successful completion of a drug test and background check that Timothy J. Collins will report to work at the Police Department on July 24, 2019 and this date will be used as the first date of appointment;

Be It Further 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 24, 2019.

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

## COURTESY OF THE FLOOR

The following members of the public spoke:

Mr. Ed Ciffone, resident, expressed his love for the United States. He is an Army veteran and created the United Taxpayers of Yorktown in 1994. UTY is a non-partisan group that tries to find ways to reduce taxes. He said the work on the roofs on town buildings looks wonderful and thanked the gas company and the Town Board for funding this work. He talked about the County raising the sales tax. He would like the UTY to be able to utilize the Town Board room for their meetings.

Mr. Richard Severi, resident, his property borders the Jefferson valley pump station that leaked. His property abuts the contaminated wetlands and would like a soil sample taken on his property to see if he has any contamination. There is also a failed storm water drainage system on the pump station property that has caused flooding on his property. This system has never been fixed. He would like tonight's resolution to be increased to include fixing the storm water system. He would like the Town Clerk to include his notice of claim as part of this evening's record. He stated that this is a Town problem that needs to be addressed.

Supervisor Gilbert asked him to contact the Town Attorney.

Mr. George Souls, chair of Economic Business Revitalization Committee, announced that there will be a Grange Fair this year. He brought members of the Grange with him to give more information: Heidi Bornemann from the Grange gave a brief history of the Yorktown Grange No. 862, which was established in 1898. Nicole Fervan from the Grange said the fee will be \$10 per car instead of last year's fee of \$8 per person. They are non-profit fraternal organization and the fair helps maintain the grounds and buildings. They get no outside support. The Grange has operated at a loss for the last several years. Their only true income is the gate money from the fair. The fair will be held from September 6 through September 8 and encouraged volunteering at the fair. Mr. Souls encouraged all to attend.

Mrs. Joanne Silik, resident, spoke against the proposed rezoning of the DP Yorktown's Summit Hill property due to traffic problems, destruction of trees and ecosystems.

Mr. Ken Patterson, resident of Jefferson Village, is concerned about how much Yorktown has grown in population. He said rural areas are being developed; traffic is getting worse and he is worried about the Town's future. He is against the rezoning of the Summit Hill project, but feels the Town needs developments that are crafted in such a way that it preserves the Town's character. He said he is for the solar law but is concerned about the aesthetics.

Mr. Rich Diliberto, resident of Jefferson Village, spoke of the Environmental Assessment Form that DP Yorktown submitted. He is concerned about lack of mentioning the runoff that will go into the aquifer, as well as the destruction of endangered species that live in suburban areas. He believes the applicant needs to submit an EIS – Environmental Impact Statement.

Mrs. Joanne Silik read Jeannie Troiano's statement against the rezoning of the Summit Hill property citing the potential tax increases, traffic problems, environmental destruction, etc.

Ms. Louise DeMarco, resident, raised the issue of the DP Yorktown's application, which included the request for the Town to become lead agency. She believed the Town never declared itself Lead Agency and a petition was withdrawn. She also said she had heard that the application was withdrawn.

Town Clerk Diana Quast explained that these applications are applicant-driven. This application was not withdrawn. Supervisor Gilbert explained that this applicant has much homework to do before the Town Board will consider rezoning. It was shown that the Town had declared itself Lead Agency in 2018.

Mr. Marc Lieberman, resident, said he is getting confused by people who seem to have conflicting ideas about development. Some will be in favor of developing big box stores and be against housing.

Ms. Susan Siegel, member of Advocates for a Better Yorktown, said there should be a 10 acre minimum for solar farms. She questioned if the Town Board wants to give the power of making these decisions to the Planning Board? She stated that zoning is and should remain a Town Board function. Ms. Siegel raise the idea of a floating zone concept which creates a new zone for large scale commercial farms that would float and exist only on paper until an application is received. The Town Board can decide if it is appropriate for the site chosen and the zoning decision is left to the Town Board.

Ms. Linda Miller, member of the ABY, thanked those who came to the last meeting. She further discussed the propose tree and woodland conservation laws.

Mr. Dan Strauss, resident, appreciates the fact that there is more public input under this administration; however, he is confused about the rules of courtesy of the floor. He spoke about the parks he has visited in Town and they have never looked better, as well as the landscaping at the AACCCC, Town Hall, and DeVito Field.

Ms. Patty Peckham, resident and owner of Arcadia Farm, urged the Board to pass the C-Pace financing package allowing homeowners and small businesses to afford solar installation.

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

Supervisor Gilbert thanked all for their comments. Councilman Lachterman addressed Mr. Strauss' comments regarding Courtesy of the Floor and agreed there should be an answer period at the end.

CONVENE PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 198 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "LANDMARK PRESERVATION."

Supervisor Ilan Gilbert convened a public hearing to consider amending Chapter 198 of the Code of the Town of Yorktown entitled "Landmark Preservation."

Town Attorney Richard Abbate said the existing landmark law says if you landmark an existing premises and it is open to the public, then the interior is also landmarked. The new law will allow landmarking of the exterior of a structure, such as the Albert A. Capellini Cultural and Community Center (since the interior has been changed many, many times over the years and is not of architectural value). This gives the option of taking a building that is open to the public and landmark the exterior only, not the interior. The new law defines interior and exterior. Councilwoman Roker asked if the New York State Historic Preservation Committee reviewed it and had no objections and she was told yes, they had been consulted.

Ms. Lynn Briggs, chairperson of the Landmark Preservation Committee confirmed that they worked with the New York State Historic Preservation Committee and followed the model law at the state level; ours is a subset of that. This new law adds clarity, especially for the AACCCC.

Councilman Patel asked about the allowance for making repairs to the building if it is landmarked (i.e., the roof). Ms. Briggs said the Town owns the building and the Board will consult with Planning and Engineering Departments and the Landmarks Commission to make any necessary repairs.

The following members of the public spoke:

Ms. Jennie Menton, resident, said she would like to see the window air conditioners removed from the AACCCC building because she feels they are unsightly.

Mr. Ken Belfer, resident, also mentioned the window air conditioners and mentioned that the split systems also require outdoor space. He asked about replacing windows at the AACCCC. Town Attorney Richard Abbate said there would need to be an application to Landmark Commission for a certificate of appropriateness.

Ms. Susan Siegel, resident, asked for clarification on the public hearings for this evening.

Supervisor Gilbert read the comments that resulted from this proposed law’s referral.

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 Lachterman, seconded by Councilman Diana and carried.

ADOPT LOCAL LAW NO. 3 OF 2019 AMENDING CHAPTER 198 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “LANDMARK PRESERVATION.”  
RESOLUTION #284

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

Whereas, a public hearing was held on the 16<sup>th</sup> day of July, 2019 pursuant to notice duly published as required by law to amend Chapter 198 of the Town Code of the Town of Yorktown entitled “Landmark Preservation” by amending Section 198-2, 198-3(C)(5), 198-4, and 198-4(G).

Resolved that Local Law No. 3 of 2019, as annexed hereto, be and is hereby adopted.

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

Local Law No. 3 of 2019 was thereupon declared adopted.

RECONVENE PUBLIC HEARING TO CONSIDER THE REQUEST TO LANDMARK THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER FOR DESIGNATION AS A HISTORICAL LANDMARK

Supervisor Ilan Gilbert reconvened a public hearing to consider the request of the Yorktown Landmarks Preservation Committee to landmark the Albert A. Capellini Community and Cultural Center for designation as a historical landmark.

The following members of the public spoke:

Ms. Susan Siegel, resident, said changes to the exterior elements (doors, windows) and the theater piece attached to the building may need to be done in the future and questions how this law may hamper these efforts. She sees no reason to landmark the building because if the town is going to do something to the exterior, why add another level of approval through the Landmark Preservation Committee? This could also be more expensive due to required standards on landmarked buildings.

Ms. Lynn Briggs gave a brief description of the building, as well as the reasons why it should be landmarked. They are recommending the landmarking of the exterior only. She reviewed the criteria necessary for landmarking and the AACCCC meets all of the criteria – it is a perfect candidate and should be landmarked.

Supervisor Gilbert asked about enhancing the marquee of the theater. Ms. Briggs said that the theater was built in 1955 and is part of the structure and would require a Certificate of Appropriateness.

Councilman Lachterman said preservation is not necessarily about today, it is about tomorrow. He said that the landmarking status gives prestige to the building that people will notice. Ms. Briggs said it adds to the center of activity for the area, along with the restoration of the Railroad Depot, the addition of the Pinesbridge Monument, etc. This is the second central school building built in New York State (the first is in North Salem).

Councilman Diana believes landmarking may open the Town up to more opportunities for grants. He is in favor of landmarking the AACCCC.

Mr. George Souls, Economic & Business Revitalization Committee, said they have discussed possibly using the building as a draw and an enlargement of the area as a destination.

Ms. Heidi Bornemann, thanked Ms. Briggs for the history of the building. In 1923 the Yorktown Grange had their first fair behind the schoolhouse until 1953 when it was held in its current location. She voiced her support of the landmarking of the exterior of the AACCCC.

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 Lachterman, seconded by Councilman Diana and carried.

APPROVE HISTORIC LANDMARK DESIGNATION FOR THE EXTERIOR OF THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER RESOLUTION #285

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

Whereas, the Landmark Preservation Commission has recommended that the Town Board designate the exterior structure of the Albert A. Capellini Community & Cultural Center, located at 1974 Commerce Street, Yorktown Heights, New York, also known on the Tax Map of the Town of Yorktown as Section 37.17, Block 1, Lot 21, as an historic landmark pursuant to Chapter 198 of the Town Code; and

Whereas, the Town Board has consented to designation of the exterior portions of the Albert A. Capellini Community & Cultural Center as a landmark under Chapter 198 of the Town Code; and

Whereas, at a duly noticed public hearing held on July 16, 2019, the Landmark Preservation Commission documented that the exterior of the Albert A. Capellini Community & Cultural Center, is a well-preserved and locally unique example of architecture;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Yorktown hereby designates the existing exterior structure of the Albert A. Capellini Community & Cultural Center, located at 1974 Commerce Street as a landmark pursuant to Chapter 198 of the Town Code of the Town of Yorktown.

Be It Further Resolved, that this resolution will not be effective until such time the proposed code changes to Chapter 198, passed by the Town Board on July 16, 2019, become effective.

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.

CONVENE 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 convene 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.

Ms. Karren Perez, Director of the Section 8 Program, reviewed a presentation that explained the voucher program, which is to provide rental assistance to income eligible families. The rules and regulations of the HCV (Housing Choice Voucher) Program are determined by the U.S. Department of Housing and Urban Development since it is a federally funded program. The Town of Yorktown is afforded choice in the operation of the program, which are included in Yorktown's administrative plan, a document approved by the Board of Commissioners of the Public Housing Agency (the Town Board). The Public Housing Agency Plan is a plan that informs HUD, residents, and the public of the Town's (a/k/a PHA's) mission for serving the needs of low-income and very low-income families and the Town's strategy for addressing those needs.

Ms. Perez spoke of the purpose of the administrative plan, which is primarily compliance. Fifty percent of the administrative plan is mandatory; 30 percent falls under “safe harbor” using HUD guidelines; 15 percent is driven by a consent decree that the Town entered into in 2012 and the Town cannot make any changes to this. This leaves the Town with about 5 percent on which to make decisions. Ms. Perez broke this down into 3 categories. The first category is Jurisdiction (those areas within the state we are choosing to administer). Ms. Perez is proposing Northern Westchester and those parts of Putnam Valley that border Westchester County. The second category is Applications, Waiting List, and Tenant Selection. Ms. Perez is proposing to remove language that no longer applies and adding that when the waiting list is opened, application will be accepted electronically during a specified period of time not to exceed 7 calendar days. Once the application period is closed, an electronic lottery will be conducted and a minimum of 400 applicants will be placed on the waiting list. The third category is adding to the section that determines family unit (voucher) size. Ms. Perez would like to add language that speaks to how the Town would like to be able to serve as many families as possible and, therefore, will only apply the minimum (the least amount of people in the largest unit). This would include acknowledging the use of a living room as a sleeping room for the purpose of determining unit/voucher size. An example of this would be a family of six who are eligible for a three bedroom who then has another child. Under the current guidelines, Ms. Perez would classify them as “under housed” and must move. If they cannot find a suitable 4-bedroom apartment, they are in jeopardy of losing their voucher. Under the proposed change, the family would have the opportunity to stay in place and find a larger apartment when they wish.

Mr. John McMullen asked a question about the geographical boundaries of what Ms. Perez covers in her program.

Councilman Diana asked for the approximate number of Section 8 residences in Yorktown. Ms. Perez said that they are approximately 40 percent of her program, which would translate to about 53-54 individuals. She stated that we have an extremely poor housing stock available for rental and this is forcing applicants to seek rentals elsewhere. Ms. Perez stated that many people in her program are elderly or disabled.

Mr. Ken Belfer, Community Housing Board, stated how important a program Section 8 is to the Town. He gave a history of the Section 8 housing program in this country. He asked how the program territory works: If someone from New Rochelle applies for the program here what happens to that application, given the new territories? Ms. Perez explained how this would work.

Ms. Perez requested the Town Board adjourn the public hearing until August 13<sup>th</sup> in order to comply with a mandated time frame.

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

CONVENE PUBLIC HEARING TO CONSIDER REPEALING CHAPTER 159, ARTICLE I OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “ENERGIZE NY BENEFIT FINANCING PROGRAM” AND ENACTING A NEW CHAPTER 159, ARTICLE I ENTITLED “ENERGIZE NY OPEN C-PACE FINANCING PROGRAM.”

Supervisor Ilan Gilbert convened a public hearing to consider repealing Chapter 159, Article I of the Code of the Town of Yorktown entitled “Energize NY Benefit Financing Program” and enacting a new Chapter 159, Article I entitled “Energize NY Open C-Pace Financing Program.”

Town Attorney Richard Abbate explained that the old program no longer exists. The new program differs slightly in a better way for the Town. It takes homeowners and business owners and puts them together with capital lenders for home improvements. The Town does not have to make collection of the payments – a third party can collect or do in rem tax foreclosure, if a person defaults on payments. The onus is no longer on the Town, as it was in the previous program.

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 Lachterman, seconded by Councilman Patel and carried.

ADOPT LOCAL LAW NO. 4 OF 2019 REPEALING CHAPTER 159, ARTICLE I OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “ENERGIZE NY BENEFIT FINANCING PROGRAM” AND ENACTING A NEW CHAPTER 159, ARTICLE I ENTITLED “ENERGIZE NY OPEN C-PACE FINANCING PROGRAM.”

RESOLUTION #286

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

Whereas, a public hearing was held on the 16<sup>th</sup> day of July, 2019 pursuant to notice duly published as required by law to repeal Chapter 159 of the Code of the Town of Yorktown entitled “Energize NY Benefit Financing Program” and enacting a new Chapter 159, Article I entitled “Energize NY Open C-Pace Financing Program” is hereby repealed and enacted.

Resolved that Local Law No. 4 of 2019, as annexed hereto, be and is hereby adopted.

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

Local Law No. 4 of 2019 was thereupon declared adopted.

AUTHORIZE TOWN CLERK TO REFER OUT THE SPECIAL USE PERMIT FOR 7-ELEVEN / SUNOCO STATION

RESOLUTION #287

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

Resolved, the Town Clerk is hereby authorized to refer the special use permit application for 7-Eleven/Sunoco Station located at 3640 Lee Boulevard, also known on the Tax Map as Section 16.08-1-16, to the appropriate agencies.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE RAILROAD PARK REHABILITATION PROJECT

RESOLUTION #288

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

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

From:	General Fund – Fund Balance	\$476,386.00
To:	Railroad Park Rehabilitation Capital Project (JJ)	\$476,386.00

for contract awarded to Clemco Construction and Restoration regarding the Railroad Park Rehabilitation Project.

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

AUTHORIZE REFUND OF DUPLICATE TAX PAYMENTS

RESOLUTION #289

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

Resolved, the following refunds for duplicate tax payments of 2019 Town/County Tax are hereby authorized:

<u>Account No:</u>	<u>Amount</u>	
3262050	\$3,794.06	Ref. Duplicate 2019 Town/County Tax
C662800	\$6,073.39	Ref. Duplicate 2019 Town/County Tax
2241127	\$1,390.36	Ref. Duplicate 2019 Town/County Tax
1923000	\$4,010.38	Ref. Duplicate 2019 Town/County Tax
1260630	\$2,341.49	Ref. Duplicate 2019 Town/County Tax
2414000	\$4,317.49	Ref. Duplicate 2019 Town/County Tax
3125500	\$4,741.25	Ref. Duplicate 2019 Town/County Tax

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

Town Engineer Michael Quinn spoke before the Board about the following proposed resolution in order to give its background and history. This resolution is to submit the Hallocks Mill Sewer District Extension project under the Water Quality Improvement Program.

**AUTHORIZE TOWN TO SUBMIT A GRANT APPLICATION UNDER THE NEW YORK STATE WATER QUALITY IMPROVEMENT PROGRAM**  
**RESOLUTION #290**

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

Whereas,

- A. The New York State Department of Environmental Conservation recently announced a new funding round for the Water Quality Improvement Program, Round 16, which allocates \$70 million to qualified applicants. Applications must be submitted by the project deadline of July 26, 2019.
- B. Under the same program (but a different project type), the Town is submitting an application for Municipal Separate Storm Sewer Systems (MS4) Mapping. This project will be via the Northern Westchester WQIP Consortium, of which the Town of Yorktown is acting as the lead applicant. The Consortium is being planned to offer a coordinated and comprehensive approach to stormwater mapping within the municipalities of Northern Westchester County, and is anticipated to include the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Villages of Buchanan and Croton-on-Hudson.
- C. The Engineering Department has recently been working on the Hallocks Mill Sewer Extension Project, Phase 1, which will extend sewer service to 315 parcels that are within the HMSD. The total capital cost to install sewers to 315 parcels in Birch Street Sub-Area (220 parcels), Sparkle Lake Sub-Area (69 parcels) and Sunrise Street Sub-Area (26 parcels) is estimated to be \$14,300,000. The Town anticipates receiving \$10,000,000 from NYCDEP Watershed Improvement Fund for this project. Since the project potentially qualifies for WQIP funding, we wish to submit the unfunded portion of the project (\$4.3M) for consideration by NYSDEC under this program.
- D. The project meets all the eligibility requirements of the WQIP grant program. We will be submitting under the project type "Wastewater Treatment Improvement". The project qualifies as a secondary priority, which requires a 60 percent match by the municipality. If the Town were to receive an award for the full amount being submitted for funding, the project would receive a grant of \$1,720,000. [All unfunded aspects of this project are projected to be paid by the benefitted parcel owners through issuance of bonds.]
- E. Program guidelines require the Town to pass a resolution authorizing submission of an application and authorizing the Town Supervisor to act as Authorized Representative for this application.

Now, Therefore Be It Resolved, the Town Board authorizes the Town to submit a grant application under the New York State Water Quality Improvement Program, Round 16 for a Wastewater Treatment Improvement project and the Town Supervisor shall act as the Authorized Representative for the application.

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

Supervisor Gilbert stated the following proposed resolution has to do with the negotiations the Town has been having with the DEP and the DEC regarding the increase to our SPDES permit. The company EDR was working on some aspects of this and discovered that DEC and DEP are concerned about phosphorous and the heat of the water coming out of the plant.

Mr. Quinn said the SPDES permit we currently have from NYS allows us to discharge wastewater into the Hallocks Mill Brook. The permit says we can discharge 2.5 million gallons per day upon issuance of a flow variance from DEP. He showed a chart that showed the recent trends of the flow from the Hallocks Mill District. Over the last 5 or 6 months, the flows have dramatically increased, primarily due to sustained wet weather conditions.

Mr. Quinn explained that Tighe & Bond has extensive experience of working with smaller publicly owned treatment works; they specialize in treatment plant flows in the one to three million gallon per day range. The Town recently hired this firm to do some structural investigation of cracks in some of the tank walls. Mr. Quinn said he asked them for a proposal to help us with the DEP variance. He said he also spoke with EDR, another company who has done work for the Town, but felt that Tighe & Bond presented the best value for the Town.

Councilwoman Roker asked to see a copy of the numbers he received from other firms. He presented EDR's quote and Tighe & Bond's quote. Supervisor Gilbert asked what was the usual course of conduct in terms of getting such proposals for this kind of project. Mr. Quinn said that all professional services agreements are approved by the Town Board; under \$15,000 requires two proposals.

Councilwoman Roker said she has issues with some of the RFPs and contracts and if the Town is doing them appropriately. She is not comfortable with the way things are being done and would like time to gather information before bringing it back to the Board.

Supervisor Gilbert read the Town's Procurement Policy and said this can be discussed but according to its guidelines, this resolution complies.

Councilwoman Roker said she would not vote on the resolution. She had not been able to review this resolution prior to the meeting. Supervisor Gilbert suggested waiting a week before considering this resolution.

Councilwoman Roker said that when there is a proposal, it is appropriate for the Town Board to receive copies of all of the proposals.

Supervisor Gilbert suggested the Board adjourn the matter until next week. The proposed resolution was not voted on.

Regarding Mr. Severi's concerns earlier in the evening, Mr. Quinn stated a tank was found at the location that the Town did not know about. A contractor found it while doing other work, contamination was found, and a spill report was made, soil sample was done, and they are looking to remove the contaminated soil from the site. It is contained and has not gone beyond the site. Mr. Quinn said they had two options: 1) leave the contaminated material in place and undisturbed or 2) clean the site. The decision to clean the site was made. Mr. Quinn said this is the same thing that was done at the Jefferson park pump station and was all done under the jurisdiction of the DEC.

Councilwoman Roker asked if there is any possibility of the contamination leaking onto Mr. Severi's property. Town Engineer Quinn said there is no offsite migration of the contamination. He said up to 60 tons of material had to be removed.

Councilman Diana stated he would like to see test wells installed at the property line. He also asked if our insurance company would cover any of this.

Town Attorney Richard Abbate said the insurance company will only cover oil tanks that have been identified by us prior to an incident.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER  
PUMP STATION PROJECT - REMEDIATION OF LEAKING UNDERGROUND FUEL  
TANKS AT TWO PUMP STATIONS  
RESOLUTION #291

Upon motion made by Supervisor Gilbert, seconded by Councilman Lachterman,

Whereas,

1. While construction work was progressing at the Jefferson Park PS located on Juniper Drive, a leaking underground fuel tank was uncovered. As required by state regulations, a spill report was made to NYSDEC.
2. Another leaking underground fuel tank was uncovered at the Jefferson Valley PS, while work was proceeding at that location. This station is located at the intersection of Poplar Court and Forest Drive. As required by state regulations, a spill report was made to NYSDEC.
3. The estimated cost to remove the tanks and all contaminated material from both locations is \$45,000. Note: The Department is currently working with the Town Attorney to see if any of the removal and remediation expenses are covered under the Town insurance policy.
4. The Department intends to work with World Management Services to perform the work and will need the following budget transfer to issue a purchase order:
  - Transfer \$45,000 from the Sewer Reserve Fund into YS.8130.460 Pump Station Maintenance & Repair

RESOLVED, the Town Comptroller is authorized to transfer \$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.

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

RESOLVED, THE COMPTROLLER IS AUTHORIZED TO RELEASE PERFORMANCE  
BOND NO. FSWPPP-T-070-17  
RESOLUTION #292

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

Whereas,

1. JAB Builders, Inc., as applicant, posted check #1714 in the amount of \$500 to serve as the Performance Bond which was deposited to the T33 account on February 5, 2018.
2. JAB Builders, Inc., as applicant, posted check #1795 in the amount of \$20,000 to serve as the Project Completion Performance Bond which was deposited into the T33 account on December 10, 2018.
3. The applicant has requested his money be released as the site is now complete.
4. 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 \$20,000 bond and the \$500 bond, totaling \$20,500, be and is hereby released to JAB Builders, Inc., 361 Route 6, Mahopac, NY 10541, Attn: Mr. John Barile.

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

APPROVE PREPARATORY REVIEW CLASS AND REIMBURSEMENT TO WILLIAM  
BATISTA ENGINEERING DEPARTMENT PER THE CSEA CONTRACT  
RESOLUTION #293

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

Resolved, that William Batista, a Town employee in the Engineering Department, has approval to take a preparatory review class for the Fundamentals of Engineering exam.

The total cost of the class is \$990 and will be reimbursed according to the CSEA contract guidelines, Article 39 Payment for Education Credits or Courses.

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

AUTHORIZE REFUND OF WATER BILL OVERPAYMENT FOR ACCOUNT NO.  
200421-0  
RESOLUTION #294

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

Whereas, an overpayment of \$262.28 was made on Account #200421-0 resulting in a credit balance;

Now Therefore Be It Resolved, upon recommendation of Cliff Kummer, NWJWW, a refund in the amount of \$262.28 is hereby refunded to Account #200421-0.

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

ADJOURN MEETING

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

---

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