

Meeting of the Town Board, Town of Yorktown held on January 16, 2018 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 A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
              Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss personnel issues concerning particular individual employees. Upon motion made by Councilman Diana, seconded by Councilman Patel, 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.

REPORT FROM THE SUPERVISOR

Supervisor Gilbert reported that he had an interesting first couple of weeks of his term, including a state of emergency for the Town due to a snowstorm. He gave kudos to the Highway Department and the Water Department for their response to the storm and their tireless service to the Town.

Supervisor Gilbert wanted to dispel a rumor that he was going to shut down certain projects that were in progress from the last administration. He wants time to inspect in detail the projects so that he fully understands the impact they will have on the Town. When he said that certain projects may be put on hold, he simply wants time for review; not stop projects. If he feels if a project is moving forward as it should and the Board agrees to it progression, then it will move ahead. If the Board finds there are issues, then those issues will need to be addressed before anything moves forward.

Councilwoman Roker stated that she is concerned that there are many phone calls being made regarding one project in particular when all some of the Board members did was to ask questions. Simply answering the questions would alleviate the speculation.

REPORT FROM THE TOWN COUNCIL

Councilman Diana stated that the Water Department did a spectacular job responding to five water main breaks during the recent sub-zero weather. He also mentioned the Highway Department and the work they did keeping the roads free of ice.

Councilwoman Roker concurred.

Councilman Patel spoke about high school internships for work at Town Hall. He also said that he asked for a reduction in his salary so that a scholarship could be funded for these students. He also spoke about Eagle Scout projects that were recently completed.

Councilman Lachterman read a note thanking the Water Department employees from the residents on Allen Court. He mentioned that on Wednesday, January 31, Yorktown Small Business Association will have a “meet and greet” at Eda’s Garden from 4:00 pm to 7:00 pm. On Sunday, February 4<sup>th</sup> at 2:00 pm there will be the Four Chaplains Service honoring the sacrifice of four chaplains during WWII upon the sinking of the battleship the USS Dorchester. It will be held at the American Legion Post #1009 on Veterans Road followed by the Post-Everlasting Ceremony which offers a final salute to those veterans who died in 2017.

The 2018 Home, Lifestyle, and Family show will be at the Jefferson Valley Mall on Saturday, February 17 from 11:00 am to 4:00 pm; it is free admission. If you are interested in taking a booth, you may contact the Chamber of Commerce by phone or their website, [www.yorktownchamber.org](http://www.yorktownchamber.org).

Councilman Patel also thanked the Highway and Water Departments for their work on what was a very difficult job.

RE-APPOINTMENT OF PATRICIA CAPORALE – TOWN COMPTROLLER  
RESOLUTION #8

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

RESOLVED, that Patricia Caporale be and is hereby reappointed to the position of Town Comptroller and shall have all the powers and perform all of the duties of the Town Comptroller not inconsistent with the law, at the pleasure of the Town Board or until the first day of January next succeeding the first biennial Town Election at an annual salary of \$113,000.00.

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

RE-APPOINTMENT OF BARBARA A. KORSAK – RECEIVER OF TAXES  
RESOLUTION #9

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

RESOLVED, that Barbara A. Korsak be and is hereby reappointed Receiver of Taxes and shall have all the powers and perform all of the duties of the Receiver of Taxes not inconsistent with the law, at the pleasure of the Town Board or until the first day of January next succeeding the first biennial Town Election at an annual salary of \$87,000.00;

FURTHER RESOLVED, it shall not be a requirement of this appointment that the Receiver of Taxes resides in the Town of Yorktown.

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

RETIREMENT OF NANCY MILANESE – PLANNING DEPARTMENT  
RESOLUTION #10

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

RESOLVED, that the Town Board accepts the retirement of Nancy Milanese from the Planning Department.

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

RETIREMENT OF PAUL SHIELDS – HIGHWAY DEPARTMENT  
RESOLUTION #11

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

RESOLVED, that the Town Board accepts the retirement of Paul Shields from the Highway Department.

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

RESIGNATION OF ELIZABETH WALSH – REFUSE AND RECYCLING  
RESOLUTION #12

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

RESOLVED, that the Town Board accepted the resignation of Elizabeth Walsh from the Refuse and Recycling Department.

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

RESIGNATION OF MICHAEL MCDERMOTT – TOWN ATTORNEY  
RESOLUTION #13

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

RESOLVED, that the Town Board accepts the resignation of Town Attorney Michael McDermott.

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

Supervisor Gilbert thanked Mr. McDermott for his service to the Town and his professionalism. All of the Town Board members thanked Mr. McDermott for his service, as well. Mr. McDermott said how much he enjoyed working with all of the department heads in Yorktown and how they are an asset to the Town in their service to the residents. He mentioned as one of his accomplishments the rehabilitation of the Roma building. He thanked the Town Board for the opportunity.

COURTESY OF THE FLOOR

The following members of the public spoke:

Dr. Pell, resident, mentioned that since the public hearing on the care of the neglected and abandoned Hyatt Burying Ground, nothing has moved forward with the Town assuming the responsibility for its maintenance. He was hoping that by searching for grants that there will be no cost to the Town and is also hoping the Town will declare it abandoned so that the thirteen original headstones can be replaced so that proper respect can be paid to the early settlers of the town and the revolutionary soldiers buried there.

Supervisor Gilbert said that he is hesitant to do anything piecemeal regarding this property. Mr. McDermott stated that the property is private and the Town cannot take it over unless due process is followed. He stated that at some point there will be another public hearing where the process of declaring abandonment will be concluded.

Supervisor Gilbert said that he is open to discussing this, but it has to be done legally and he is following the Town Attorney's advice. Councilwoman Roker asked Dr. Pell if he had ever gotten the Yorktown Historical Society involved, to which he answered "yes" since he is a Trustee of the society. He also stated that the State of New York is so interested in the cemetery that they have designated it a unique site.

Mr. Jay Kopstein, resident, thanked Mr. McDermott for being proactive regarding the town code. He talked about applicants who come before the Town Board with experts they have hired to push their project, often with a skewed picture of the project. Mr. Kopstein asked that if an applicant comes before the Board with a controversial project, the Town Board hire the expert with the applicant paying the cost. He also asked what the purpose and cost was for the two new television monitors in the boardroom. Lastly, he mentioned that there still was no second Courtesy of the Floor listed on the agenda.

Mr. John McMullen, poet laureate of Yorktown, read a poem of his, "In Days of Yore."

Mr. Marc Lieberman, resident, mentioned that he lost power during the last storm and was wondering what the rules are for opening a shelter for residents during these kinds of events.

Supervisor Gilbert said it is the Town's policy during a severe storm that residents "hunker down" and be prepared during the first 24 hours. There are generators in the YCCC building so it can be used as a warming station or shelter, if need be. He also stated that, of course, in the first 24 hours

if there is an emergency, the police must be called. Councilman Lachterman stated that CERT (Community Emergency Response Team) makes a determination of opening a shelter after 48 hours. Manpower shifts and safety procedures need to be ready to put into place after about 36 hours so that a shelter can open safely for residents after 48 hours. The extreme cold was also taken into account which could have made this a more speedy process.

Councilwoman Roker wanted to remind people that the YCCC is open during the day anyway if the very young or very old are having an issue with being cold.

Ms. Susan Siegel, resident, thanked the Board for putting Courtesy of the Floor at the beginning of the meeting but would like to see a second one, as well. She asked about the Tax Certiorari resolution that is being voted on later in the evening and wanted to know how much money the town has to refund both the town and the school district. Her next question addressed the \$120,000 contract to retain an architect to design the new highway garage. Mrs. Siegel wanted to know if the Town is committed to spending that amount if they end up not pursuing the project and what is the status of the contract.

Supervisor Gilbert said that they are still investigating how to proceed. The contract has been signed and he will be pursuing an investigation of the language of the contract.

Mr. Ed Ciffone, resident, asked about the salary increase from \$75,000 to \$85,000 for the Confidential Executive Assistant to the Supervisor. Supervisor Gilbert said that this is coming up in a resolution this evening. Mr. Ciffone stated that, as a tax activist, \$75,000 for the first year of employment is very good and said that the Town is overpaying people already. He also wanted to know when Mr. McDermott is leaving. Supervisor Gilbert said that Mr. McDermott is leaving on February 2nd. Mr. Ciffone said he has 2 lawsuits with the Town; one is for money the Town agreed to give former Supervisor Grace for legal defense of a lawsuit and the other is an age discrimination and disability lawsuit he has against the Town. He would like someone to talk to him or his attorney about the two cases so that they may be resolved, especially since the latter lawsuit was found to have probable cause. Mr. Ciffone said that the petitions he presented should have resulted in a vote of the people for or against the new Highway Garage.

Mr. Jim Pugliese, resident, wanted to thank Mr. McDermott for his service to the Town and being a part of some of the projects that they worked on together. He also said he is looking forward to working with the new Town Board.

Mr. Ken Belfer, resident and also a member of CERT, talked about the preparations that began on the day of the storm. He also thanked Mr. McDermott for his help in the bidding process for the Aquatic Weed Harvester for Mohegan Lake. Mr. Belfer said that time is of the essence since the lead time for the order is four to six months. If the Town doesn't move soon, they may be missing the summer season.

Mrs. Jenny Menton, resident, welcomed the new members of the Board. She hopes that decisions are made for the good of Yorktown and its people and not politically. She attended a meeting with the Saint Patrick's Senior Club and they had a workshop for the United for the Troops program and presented Valentine's Day cards for members of the military.

Councilman Diana stated that United for the Troops is always looking for volunteers to sort and create packages. Councilwoman Roker mentioned that the Yorktown Rotary also supports this program.

Mr. Tony Grasso, representing the Chamber of Commerce, thanked Mr. McDermott for his service to the community. He hopes that whoever is appointed new Town Attorney will be a member of their Legislative Committee. He also would like to meet with the Supervisor regarding the decision as to whether or not to continue the Highway Department project.

Mr. John Campobasso, resident and president of Yorktown Athletic Club, wanted to give recognition to the Parks and Recreation Department and Parks Commission whose work is vital to the success of all of the sports clubs in Town. He would hope that there are no salary cuts or reductions in these departments.

Councilwoman Roker said that over the years she has had the pleasure of working with all department heads and volunteer organizations in Town and stated that the people who work for the Town are the best – they are the ones who actually run the Town with all of their experience and care they bring to their jobs.

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

A discussion ensued regarding the increase in salary for the Confidential Executive Assistant from \$75,000 to \$85,000. Councilman Lachterman felt that this was a large jump in salary and not needed; it took six years for the previous Confidential Assistant to reach that level. He explained the rationale behind why the salary was cut initially and felt that maybe the increase should be split between the two years of the term.

Councilman Diana agreed that it should be split - \$5,000 now and then \$5,000 after a six-month period. Councilwoman Roker stated that during past budget hearings, Supervisor Grace stated that if the incumbent was still in the position the salary would jump to \$85,000 but if not, the salary would be reduced to \$75,000. Councilmen Diana and Lachterman said they did not recall that being said. Councilwoman Roker stated that is what she heard and said \$85,000 is an appropriate salary for that position. Councilman Patel stated that Mr. Glass has technical expertise and education that has never been brought to that position.

Supervisor Gilbert said that Mr. Glass brings a wealth of experience and knowledge to the job. He was formerly with Westchester County and is also an attorney. Supervisor Gilbert said that it is like getting two for the price of one in terms of advice and someone who has a great ability to deal with the public and brings a great skill set to the job. Aside from that, Supervisor Gilbert stated that he is also doing what his predecessor did – both the jobs of secretary and Confidential Assistant. The secretarial position was eliminated by the previous Town Board prior to the new year. Supervisor Gilbert feels the amount is reasonable and the additional money will be coming from the health insurance line that the Town would normally be paying for his insurance. The Supervisor stated that he has insurance elsewhere.

Councilwoman Roker said that historically there has never been a downgrade in the Confidential Assistant's salary when a new administration begins. Councilman Lachterman said that the salary has been fairly equal from employee to employee in the position. Supervisor Gilbert said he appreciated the comments but feels that Mr. Glass is worth every penny.

AUTHORIZATION TO INCREASE SALARY OF CONFIDENTIAL EXECUTIVE ASSISTANT TO SUPERVISOR  
RESOLUTION #14

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

RESOLVED, the Town Comptroller is hereby authorized to increase the salary for Confidential Executive Assistant to Supervisor from \$75,000.00 to \$85,000.00; and

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

AUTHORIZATION FOR COMPTROLLER TO TRANSFER FUNDS  
RESOLUTION #15

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

RESOLVED, the Town Comptroller is hereby authorized to transfer funds from Appropriation Line A1220.810 to A.1220.101 in the amount of \$10,000.00.

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

RENEWAL OF GARBAGE LICENSE – WINTER BROTHERS HAULING OF CT, LLC.  
RESOLUTION #16

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

RESOLVED, that Winter Brothers Hauling of CT, LLC, be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2018.

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

RENEWAL OF GARBAGE LICENSE – CRP SANITATION  
RESOLUTION #17

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

RESOLVED, that CRP Sanitation, be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2018.

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

RENEWAL OF GARBAGE LICENSE – SANI-PRO DISPOSAL SERVICES CORP. D/B/A  
SUBURBAN CARTING, CO.

RESOLUTION #18

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

RESOLVED, that Sani-Pro Disposal Services Corp. d/b/a Suburban Carting, Co., be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2018.

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

AUTHORIZATION TO ATTEND NYS GOVERNMENT FINANCE OFFICERS ASSOCIATION  
ANNUAL CONFERENCE – FINANCE PERSONNEL

RESOLUTION #19

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

RESOLVED, the Town Board of the Town of Yorktown hereby gives authorization for Town Comptroller Patricia Caporale, Deputy Town Comptroller Gennelle MacNeill, and Senior Account Clerk Sandra Serrano to attend the New York State Government Finance Officers Association Annual Conference in Albany, NY from March 20, 2018 to March 23, 2018.

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

BUDGET TRANSFER FOR REMAINDER OF WASTE SERVICES SETTLEMENT  
RESOLUTION #20

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

RESOLVED, the Town Board of the Town of Yorktown authorizes the Town Comptroller to make the following Budget Transfer to process payment for remainder of Waste Services Settlement:

From SR7210.200 R&R – Equipment

To SR8160.425 R&R – Outside Contractor

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

TAX CERTIORARI SETTLEMENT – DBT HOLDING LLC

RESOLUTION #21

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.15 Block 1 Lot 33, 1761 Front St., 2000 Maple Hill Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.15-1-33 Account Number 3760500, owned by DBT Holding LLC for assessment roll years 2011, 2012, 2013, 2014, 2015, 2016 and 2017 are settled as set forth in the proposed stipulation as follows:

Section 37.15 Block 1 Lot 33

<u>Roll Year</u>	<u>Assessed Value From</u>	<u>Assessed Value To</u>	<u>Reduction</u>
2011	60,200	58,275	1,925
2012	60,200	60,200	0
2013	60,200	60,200	0
2014	60,200	56,475	3,725
2015	60,200	57,600	2,600
2016	60,200	55,350	4,850
2017	60,200	53,550	6,650

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

AUTHORIZE CARRY- OVER OF VACATION TIME – MICHAEL HOY

RESOLUTION #22

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

WHEREAS, the following employee has requested to carry 2017 accrued time for use in 2018, and

WHEREAS, the Town Comptroller has confirmed the available balance, now

THEREFORE BE IT RESOLVED, the following employee may carry the time balance listed below:

Michael Hoy – 105 hours

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

RENTAL FEE WAIVER FOR AARP FREE TAX-AIDE PROGRAM AT THE YCCC

RESOLUTION #23

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

RESOLVED, that the Town Board hereby waives the rental fee for the AARP Free Tax-Aide program. The program will take place in Room 26 of the Yorktown Community and Cultural Center, on Tuesdays and Fridays, beginning February 2, 2018 through April 17, 2018, from 9:00 a.m. to 3:00 p.m. The nonprofit rental rate is \$21 per hour and the request is for 132 hours, or \$2,772.00.

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

ESCROW DEPOSIT RELEASE FOR STREET OPENING PERMIT #015-011  
RESOLUTION #24

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

RESOLVED, the Town Comptroller is hereby authorized to release Escrow Deposit for Street Opening Permit #015-011 located at 1480 Florida Road in the amount of \$1,000.00 to Hudson Builders Group, Inc., P.O. Box 236, Gardiner, NY 12525.

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

AUTHORIZATION TO ADVERTISE FOR SEMI-ANNUAL BROCHURE – PARKS & RECREATION DEPARTMENT  
RESOLUTION #25

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

RESOLVED, the Superintendent of Parks & Recreation is hereby authorized to advertise to bid for the Semi-Annual Parks & Recreation Brochure for 2018.

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

RENTAL FEE WAIVER FOR NORWEST FOR THE YCCC GYMNASIUM  
RESOLUTION #26

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

RESOLVED, the Town Board of the Town of Yorktown hereby waives the rental fee for NorWest to use the YCCC Gymnasium from January to June on Tuesday evenings from 4:00 p.m. to 6:00 p.m. totaling \$1,554.00.

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

REIMBURSEMENT OF TUITION FOR OFFICER JOHN E. DOHERTY  
RESOLUTION #27

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

WHEREAS, the Yorktown Police Department would like to reimburse Police Officer John E. Doherty for courses he is taking towards his Master's Degree in Public Administration;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Yorktown hereby authorizes the Town Comptroller to pay the Spring 2018 tuition/book costs for Police Officer John E. Doherty upon the satisfactory completion of said courses, in the amount of \$2,311.42.

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

REQUEST FOR PROPOSALS FOR PURCHASE OF A 2018 FORD F550 TRUCK – WATER DEPARTMENT  
RESOLUTION #28

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

RESOLVED, the Water District Distribution Superintendent is hereby authorized to issue a request for a proposal for qualified bidders to submit proposals for the Water District to purchase one 2018 Ford F550 truck.

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

ACCEPTANCE OF MONTHLY REPORT FROM THE RECEIVER OF TAXES  
RESOLUTION #29

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

RESOLVED, the Town Board hereby accepts the Receiver of Taxes Monthly Report for the month of December 2017.

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

Supervisor Gilbert stated that with the imminent resignation of the Town Attorney, time should not be wasted in appointing adequate legal coverage so there is no lapse in representation. Supervisor Gilbert said that past town supervisors have appointed the town attorney in their administration and he would like the same courtesy. The time constraint does not allow proper vetting, so therefore he is proposing to appoint the Oxman Law Group as interim legal representation.

A debate ensued among the board members regarding those who were opposed to the idea and those who were for the appointment.

Councilman Lachterman has a problem with the Oxman Law Group since they are involved in a lawsuit against the Town and, therefore, it is a breach and a conflict of interest. They were suing the Town, former Supervisor Grace, Councilman Patel, Councilman Diana, and former Councilman Bernard. The fact that Mr. Oxman did not mention this to Supervisor Gilbert reeks of poor ethics. He also stated that Supervisor Grace, Councilwoman Roker, and Councilman Patel should recuse themselves because he stated Mr. Oxman helped them with their campaigns. He suggested that another law firm not involved in a lawsuit against the Town should be looked at. Councilman Lachterman then stated that the lawsuit in question was passed off to the head of the Democratic Party for representation.

Supervisor Gilbert again stated that time is of the essence and that currently no conflict of interest in existence. He said that as the Board moves forward, they will be able to have a full vetting process. In the meantime, it is urgent that the Town have representation.

Councilman Lachterman stated that he will pursue this issue past the vote this evening.

APPOINTMENT OF THE OXMAN LAW GROUP, LLC AS INTERIM LEGAL COUNSEL  
RESOLUTION #30

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

RESOLVED, that the Town Board of the Town of Yorktown does hereby find that it is in the best interest of the Town to appoint the Oxman Law Group, LLC, as the Attorneys to the Town of Yorktown and does hereby designate it to provide such legal services at Town Hall, at Town Board meetings, and by telephone consultation, on an interim basis at a monthly retainer fee of \$9,750.00 beginning February 5, 2018.

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

Councilman Diana stated that although he has the utmost respect for Marc Oxman, he echoes the words of Councilman Lachterman with regard to this issue.

PROMOTION TO LIBRARY ASSISTANT – DEBORAH SARNO, JOHN C. HART  
MEMORIAL LIBRARY  
RESOLUTION #31

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

BE IT RESOLVED that Deborah Sarno is hereby promoted as a Library Assistant, job class code 0227, from Eligible List No. 77-136, effective January 8, 2018 in the John C. Hart Memorial Library, to be paid from Yorktown CSEA Salary Schedule A-1 Group 9, Step 1 which is \$52,465.00 annually.

BE IT FURTHER RESOLVED that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on January 8, 2018.

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

Councilman Patel announced that two boy scouts who are working on their Citizenship in the Community Merit Badges were present as observers in the audience. Nick DeMarsh from Troup 165 and Arjay Mirchandani, also from Troop 165, introduced themselves to the Board. Nick DeMarsh mentioned his Eagle Scout project, re-fencing the wildflower island at Teatown Reservation and Arjay extended at platform at FDR State Park in order to extend a trail called Grady's Bridge for hikers and bikers.

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Mr. Jay Kopstein agrees with Councilman Lachterman regarding the appointment of Mr. Oxman, considering their involvement with the Democratic Party. This was not noticed to anyone and should have been put on the agenda. He asked Supervisor Gilbert about his not taking medical benefits from the Town and if he was taking the cash buy out of the benefit. Supervisor Gilbert answered no.

Mr. Ed Ciffone asked about the Receiver of Taxes monthly report. He was given a copy for review.

Mr. Brian Higby, resident, wanted to say that he works as an attorney in municipal law and has represented the Town in the past and said that it will take more than 2 weeks to find proper counsel. So he understands the position the Supervisor is in regarding an interim appointment.

Supervisor Gilbert stated that the basis he laid out for his decision was reasonable. He does not believe this is abuse of discretion for the Board to act under the exigent circumstances. A full vetting process will be followed.

Councilman Lachterman addressed Supervisor Gilbert by saying that he does agree with the timeline of the appointment but not the firm chosen. There are other options and/or firms to interview.

Mrs. Susan Siegel asked for an answer to a previous question regarding the new monitors and how much the refunds will be on the tax certioraris. She also stated that procedures should be established for the Courtesy of the Floor sessions. People should be limited to 3 minutes no matter how worthy the statement may be. After all have spoken, then the Board should respond; there should be no back and forth dialogue.

Mr. John Flynn, resident, stated that when he served as a volunteer on the Planning Board, particularly his last term, they went through a number of different legal counsels and they were always selected by the Town Supervisor. He said that he does not recall either Councilman Lachterman or Councilman Diana ever objecting to the counsel chosen during those times. These appointments were always made at the discretion of the Town Supervisor. Mr. Flynn said that he doesn't understand the outrage that is being expressed over a Town Supervisor appointing a Town Attorney. He also worked as an RFP Manager for CitiGroup and said they would never even bid on an RFP with such an unrealistic time frame as what is being presented to the Board.

Mr. Marc Lieberman stated that the appointment of Mr. McDermott was done during an executive session and appreciates that Supervisor Gilbert is doing this at a public meeting. He also appreciates the fact that the Supervisor is willing to go through the RFP process which he understands will be a time-consuming process.

Councilman Lachterman corrected the previous speaker, Mr. Flynn, but saying that the Town Attorney has never been a Supervisor appointment – it is always a vote, just as Michael McDermott was. The information regarding a closed session (executive session) is incorrect – other people were interviewed, including the current Town Attorney at the time. Planning Board counsel was also vetted. His objection is the fact that the Oxman firm was in the process of suing the Town. It was his obligation to inform the Board of this conflict of interest. He said this is not the first week

this has come up – it was brought up the previous week. He stated that a board member told Mr. McDermott to write his own RFP.

Supervisor Gilbert stated that he did not know that Michael McDermott was going to resign earlier in the day and he is operating under exigent circumstances. He wants to make sure that the Town is covered during this time period. He chose Mr. Oxman's firm because he knows their skill and expertise.

Councilwoman Roker also spoke of how it is common practice that a new board, just as any administration, comes on board and hires people they are comfortable with to help them set and reach their goals.

Mr. Tony Grasso stated that he and the president of the Chamber of Commerce would like to sit down with the Town Board to bring them up to date of what the Chamber has been doing and where they are headed.

Mrs. Jenny Menton asked if Mr. McDermott was asked to stay until they found a new permanent counsel. Supervisor Gilbert said that Mr. McDermott stated that he wanted to make a clean cut with the Town and he said he respected his decision.

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

Councilman Diana stated that one of the responsibilities of a Board Member is to be fiscally responsible. He asked what Mr. McDermott's annual salary was so that he could compute what that would be monthly versus what the Oxman firm is being paid monthly. Councilman Lachterman said that it is an equal amount.

Town Clerk Diana Quast addressed the question regarding the new monitors in the boardroom. The monitors cost about \$1,200.00 each and the stands approximately \$100 each. The funds come out of peg money that comes from the cable company's franchise agreement with the Town so it does not cost the Town anything. They give us money each year and it has to be used for the boardroom and video room equipment. The monitors will be hooked up to a smart podium where the public will be able to see presentations on the monitors and any documents that are being reviewed at the board table.

Councilman Lachterman asked about the monthly fee being paid to the Oxman Law Group. He wanted to know if it would be for consulting only. Supervisor Gilbert said that it will be for all legal services to the town at board meetings, phone consultations, etc. Someone from the firm will be present in the Town on premises. Supervisor Gilbert feels that the Board is acting responsibly and that this is an interim appointment.

Councilwoman Roker stated that she will get the information regarding the tax certiorari refunds to Susan Siegel.

#### ADJOURN

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

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DIANA L. QUAST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN