

Meeting of the Town Board, Town of Yorktown held on Tuesday, September 4, 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 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.

#### 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 TOWN SUPERVISOR

Supervisor Gilbert reported that the Town had its 230<sup>th</sup> anniversary celebration and thanked the Board members and volunteers who participated in the events such as the baseball game, parade, lectures, concerts, and fireworks. He spoke of the Con Edison work that is going on throughout the Town and has been in constant touch with them in order to ensure that disruption to residents is kept to a minimum. Enbridge has agreed to provide lighting at the Town's other fields since Legacy field will not be available for the season. He said that he continues to monitor the progress at Granite Knolls and, due to the recent rainy weather, the project is slightly behind schedule. There have been some design modifications that Superintendent of Parks & Recreation Todd Orłowski will speak about later in the evening. The Town Comptroller, Pat Caporale, has been busy meeting with Town Department Heads in order to prepare the 2019 budget for consideration by the Town Board. Supervisor Gilbert stated that he has had several meetings with constituents regarding various projects such as The Weyant, Roma Building, the tree ordinance, and sewer extension projects. Regarding the Hallocks Mill sewer extension project, he participated in quarterly meetings with the East of Hudson group and reported to them our progress and efforts to implement a plan for the sewer project. Supervisor Gilbert reported that he has meetings scheduled later this month with county representatives to discuss the ability to access funds for this project and see if the Town can get additional funds from other sources. He and Highway Superintendent David Paganelli met with the County to discuss their refurbishment of the North Westchester County Trailway. They hopefully convinced the County to add fencing for safety's sake on the old railroad bridge. He is also hoping they can convince the County to add some visual screening to the portions of the trail visible to residents.

Supervisor Gilbert mentioned several activities he attended, including a screening of the movie, "Resilience," at the library, met with the Open Space Committee, members of the Chamber of Commerce, pizza lunch for the summer workers at Parks & Recreation, Senior Day sponsored by the former Field Home, and a Rotarian Lunch attended by the Kosovo Ambassador.

Supervisor Gilbert had a meeting with the president of NYSEG to let him know the problems the Town faced during the past storms. The NYSEG president stated that they will be installing "smart meters" that will enable them to know when customer power is out. By aggregating the data, they will also be able to trace the source of an outage. NYSEG will be asking permission from the Public Service Commission to remove all growth within four feet of either side of their power lines – the public will be able to submit comments on that proposal.

Supervisor Gilbert said the Town recently received a grant for two new vehicles for the Senior Nutrition Center.

The Supervisor's Office was successful in getting the NYS DOT to install "Signal Ahead" warning signs posted before the new traffic light that was installed at the intersection of Route 118 and Route 129.

Supervisor Gilbert announced that there are positions to be filled on the following committees: Cable Television, Community Housing Board, Open Space Committee, Senior Citizens Advisory Committee, Substance Abuse and Mental Health Committee, Tree Conservation Advisory Commission. Resumes should be submitted to the Supervisor's Office. The meeting on September 25<sup>th</sup> will be both a Town Board Meeting and a Town Board Work Session. A vote will follow.

#### REPORTS FROM THE TOWN COUNCIL

Councilman Diana thanked all volunteers for the Yorktown 230<sup>th</sup> Anniversary Celebration, in particular the Yorktown Lions Club for sponsoring the concert and fireworks. A presentation will be scheduled for those who participated.

Councilwoman Roker said that Yorktown is a welcoming, community-minded place, as evidenced by the number of those who stepped up to volunteer for the celebration. She particularly acknowledged the efforts of Tom Sciangula, the filming and audio-visual professional who filmed the Town's celebration, as well as filming all of the Town Board meetings.

Councilman Patel held up a list of those who served in World Wars I & II that was displayed along with other veteran memorabilia at the Yorktown Museum during the celebration. There was also a science exhibition by IBM scientists involving a human-sized robot. The robot was designed and made by underprivileged children from surrounding communities.

Councilman Lachterman said that he was able to participate in three of the events; it was a day of all-encompassing activities. He also thanked all volunteers, particularly the members of the Parks & Recreation and Building Departments who assisted. Upcoming events: September 8<sup>th</sup> is the Antique Tractor and Vehicle Parade; September 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> is the Grange Fair; and September 12<sup>th</sup> through the 16<sup>th</sup> is the Feast of San Gennaro Festival; Columbus Day Weekend is the Chamber of Commerce Street Fair held in conjunction with the Town. In addition, Councilman Lachterman said that he received a commendation letter for the Water Department regarding their work and commended Superintendent Ken Rundle on his staff.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli stated that as far as trees were concerned, the Town is in good shape – they are averaging one take-down of dead and dangerous trees per day. Paving is done for the year with the exception of monies (\$250,000) that Senator Murphy is working on appropriating for the Town for additional paving. There was a price increase of about 11 percent over last year that resulted in about 11 percent less roads being done, they paved about 8 miles of roads and spent \$1,038,000. Catch basins are still a concern; there were about 116 that needed repair since the beginning of the year and are now down to just under 40. They are behind with mowing and he would like to see his department get caught up. Drainage is okay; there are a lot of crossovers that are failing and they are trying to keep up.

Councilwoman Roker stated she asked various departments to look at the infrastructure and its condition so that the Town can get on a schedule of maintenance and repair. She said this is like keeping a home in shape and not waiting for something to break. Mr. Paganelli agreed and said that he and Town Engineer Michael Quinn have been working on the culvert on Old Crompond Road behind MacDonald's, as well as the retaining wall being discussed. He mentioned other areas of infrastructure they are investigating and trying to associate costs to the repairs.

#### PRESENTATION - SUPPORT CONNECTION WALK

Kathleen Quinlan from Support Connection came before the Board to thank them for their support and announced that the Support Connection recently received a prestigious award: they are One of the Great Non-for-Profits in the USA. Their mission is to offer free and confidential personalized support to those suffering from breast and ovarian cancer. Although their home is Yorktown Heights, they help people nationwide. She introduced Melissa Higgins, the Development Outreach Volunteer Coordinator, who was there to invite everyone to the Support-A-Walk event. Ms. Higgins said that the event is on October 7<sup>th</sup> at FDR Park and is a 3 mile walk. They have partnered with the Yorktown Chamber of Commerce who is having their Fair that day, as well. All of the funds raised go back into the organization. Supportconnection.org has information regarding the event and their services.

## PRESENTATION – TOWN CLERK DIANA QUAST- BOOK OF HIGHWAYS - 1760

Town Clerk Diana Quast explained how the Clerk's office came to obtain the Record Book of the Manor of Cortlandt and the Town of Yorktown – the Book of Highways which starts in the year 1760. It was obtained when an employee of the Yorktown Museum, Nancy Augustowski, found the book on a New York City auction house's website. Town Clerk Diana Quast contacted the auction house and asked if she could review the document. Upon review, she realized that, as Records Manager, this was a Town document that she needed to have preserved for the Town. She contacted the auction house making a claim for the document and requested they release it to the Town. It took some time, but the person who had the book in their possession agreed to release it to the Town. Town Clerk Diana Quast stated while reading the book she realized that it is a book that needs to be shared with other communities since it begins at a time when all surrounding communities were part of the Manor of Cortlandt. The book lays out the highways throughout the area. Mrs. Margaret "Libby" Baker, who had been doing some transcribing work for the Town on its Book of Manumissions (1794), very generously offered to transcribe this new acquisition.

Mr. Tom Travis, Town Records Clerk, spoke about the Book of Manumissions and how it is a record of prior slaves in the area and the children born to slaves, as well as being a Book of Strays (a record of stray livestock).

Mrs. Libby Baker thanked Town Clerk Diana Quast for allowing her to work on the document and how much she enjoyed working on the transcription. She said that she did this on behalf of the Daughters of the American Revolution; she is Chairman of the Genealogical Records Committee. They collect information that has been left in archives, museums, homes, etc. that has never been published. They then type it up, put it in volumes, and send it to the DAR Library in Washington, DC and a copy goes to the New York State Library and the New York City Library so that this otherwise hidden information is available to the public. Mrs. Baker then related that Part One of the Book of Highways begins with the earmarks of livestock so that they can be identified (1760-1820); in 1760's it contains a listing of indentured servants contracts, land transactions, and deeds of indenture. Part Two starts with the Commissioners of Roads and Highways in 1769, Philip Verplanck and Pierre VanCortlandt, and continues through 1836. It has contracts of sales for various goods from 1770 to 1803. The layout of the roads begins in 1834.

Supervisor Gilbert presented Mrs. Baker with a Certificate of Appreciation for her work.

Copies of the transcription were presented to Linda Puglisi, Supervisor of the Town of Cortlandt, and Patricia Kalba, Town Clerk of the Town of Somers by Town Clerk Diana Quast.

Cortlandt Supervisor Linda Puglisi thanked the Town Board and the Town Clerk for the invitation to the meeting and congratulated all for preserving and being stewards of our history. She stated how Yorktown and Cortlandt are great friends and work on many joint projects together and share common concerns. She and the Town will treasure these documents forever. She also spoke of her memories of Senator John McCain, who recently passed away, and his visit with veterans at the VA where she met him. She also thanked Support Connection and their wonderful work.

Town Clerk Diana Quast thanked all those who were involved with this project.

## UPDATE ON GRANITE KNOLLS

Mr. Al Avitable, Parks & Recreation Commission, and Todd Orłowski, Superintendent of Parks & Recreation presented an update on the Granite Knolls project. Mr. Avitable first spoke of the great team of workers on this project. He stated that from the contractor's point of view, the project is probably about 80% done; from the Commission's point of view, it is probably more like 75% done.

Superintendent Todd Orłowski said the project is progressing, the contractor (Montesano) is doing some final grading, and Shaw Turf has almost finished the baseball field. Shaw has moved on to the multipurpose fields and is cutting in the sports lines on the field. Shaw feels they will be done in about two weeks. Montesano is working with the subcontractors like Verdi Electric, the fence company is back finishing the baseball field and will move on to the multipurpose field. The logistics on the pavilion and concession/bathroom buildings have been finalized which took some time because of the size of the concession building. He said they should begin construction during the week of September 17<sup>th</sup>. Montesano is moving towards the area where the pickle courts will be; the handball court that is there now will also be restored. Asphalt paving will be done by the

end of October. Mr. Orlowski said they have all been working very hard and staying on top of the project.

Mr. Avitable stated that this is much more than a kid's playground. There are many activities for all of Yorktown to use and get involved in. He addressed the concerns that appeared in the newspaper recently regarding the grant for the lighting. He stated that the Commission did not know about the grant because when it was presented, it was not given to the people who would be responsible for it. He also mentioned that the grant information stated that it would take a year to get it and you have to get the grant before the money could be spent on the lights. The Granite Knolls lights are up now. The Recreation Commission negotiated a contract for lights that the Town Board signed for \$900,000 for lights – the Recreation Commission was able to get a price of \$539,000 for the same lights (installed). These lights are actually better than the more expensive lights because they have concrete poles. Mr. Avitable stated that the Recreation Commission saved far beyond what the Town would have saved with the grant and they got them a lot sooner so that the project would not be delayed. He reminded the Board that any talk of delays on the project should be offset by the three nor'easters in a row the area suffered. The contractor has been working hard but Mr. Avitable questioned the signing of a contract that had no penalty clauses, which are the leverage to use in keeping a contractor to a schedule. Mr. Avitable stated that he thinks the criticisms printed in the paper are politically motivated and the newspapers should investigate the complaints more thoroughly.

Councilwoman Roker asked if Granite Knolls will be open this year and Mr. Orlowski said that he is confident that it will open in October/November of this year.

Mr. Avitable said that when this project is done, this Board and prior boards will be proud to have their name on the plaque.

Supervisor Gilbert said that this project took several administrations and boards and that credit needs to be given. Councilwoman Roker said the Land Trust also needs to be remembered for bringing this property to the Town.

Mr. Avitable said that several organizations in Town have offered to contribute to the project such as the sports organizations contributing to the scoreboards. Other companies are interested in sponsoring the playgrounds.

Councilman Lachterman stated that he does not believe the newspaper is wrong in reporting a conversation that was held at a Town Board meeting. He said that it is the right of the Board to get answers for people who have questions.

Mr. Avitable said many of the questions he is hearing about from the Board are questions that should have been asked two years ago when the project was in its planning stage.

Councilman Lachterman said that when he asks a question, he will push forward in getting an answer.

Councilman Lachterman asked if the Town has gotten a surveillance system at Granite Knolls and Mr. Orlowski said he did a walk-through with Marshall Alarm and they will come back with a proposal. Mr. Avitable stated that the Town has a surveillance problem at all of its parks. He said that the police have told him their hands are tied because there is no law on the books to punish the offender. He suggested that the Board come up with ordinances for the police to enforce.

Councilman Diana said that if there is trespassing or vandalism, the penal code covers the violation. Mr. Avitable talked about how often the gazebo in the middle of Town has been destroyed.

Mr. Orlowski thanked the community for their patience with this project; he knows there are many athletes in Town who are looking forward to its completion.

#### PRESENTATION BY WESTCHESTER COUNTY EXECUTIVE GEORGE LATIMER

Westchester County Executive George Latimer came before the Town Board to indicate that there is a Good Neighbor Policy that his administration is trying to establish, as well as to let the residents know that he is trying to have a different relationship between local governments and the county government. He wants this partnership to have the kind of relationship whereby issues can be

discussed and resolved together. He shared with the Town Board an Executive Order that established the Good Neighbor Policy that he is also asking the County Legislature to turn into law. This policy basically changes the process by which the County takes action on county-owned property or land to allow for time for the local government where the property is located to be able to look at the decision before it is made, have an opinion expressed, and possibly affect the outcome of the decision. This policy basically says if there is a county-owned facility that they have a unilateral right to take action on, rather than going ahead to institute something that will cause a significant change in the community, they will be required to come before the Town Board to give a formal update on the project. After they come before the local government, there is a sixty-day clock to have the opportunity to hold community meetings, discussions, etc., to determine what the impact the project will have in the community. At the end of the sixty days, the County would appreciate a letter of support, neutrality, or opposition outlining the concerns and how those concerns should be addressed. The County will need to hold off on any action until they do anything. As a former local representative, Mr. Latimer said he often experienced frustration when the County would make changes in his community without any notification to the local government. As County Executive, he now has the opportunity to change the process. This has already been used a few times within the County.

Supervisor Gilbert thanked Westchester County Executive George Latimer for coming and updating the Town Board on what is going on in Westchester County.

#### PUBLIC HEARING - HALLOCKS MILL SEWER DISTRICT SEWER EXTENSION

Town Supervisor Ian Gilbert convened a public hearing to consider a Petition for a sewer extension in the Hallocks Mill Sewer District regarding a project proposed by Step Murphy, LLC, Grace Family Realty, Inc., and Underhill Realty Management, LLC for property bordered by Route 118, Underhill Avenue, Kear Street, and adjacent commercial properties.

Town Engineer Michael Quinn came before the Board to give an introduction to the project. In May, he came before the Town Board to get approval for the Supervisor to sign paperwork to submit the water and sewer aspects of this project to the Westchester County Health Department. The project approval was done by the Planning Board and what is under consideration tonight is a sewer extension to the Hallocks Mill Sewer District. It was questioned in May as to whether a public hearing was required and upon bond counsel's advice, it was determined one should be held for this extension. Essentially, it is a new manhole and 25 feet of sewer piping. Right now the sewer is on the Town Hall side of Underhill Avenue and this new extension would extend it to the other side of the road to accommodate the new structure being built, as well as the two other existing buildings. It would allow them to have one sewer connection to come into the Town manhole. This is something the Engineering Department worked with the applicant on and recommends that it be done this way. If the Town Board were to say no, they would have to run three lateral pipes across Underhill Avenue.

Councilwoman Roker said that a presentation was not really necessary because this is only a single pipe; bond counsel only recommended holding the public hearing.

Supervisor Gilbert stated that the applicants will be doing all of the work and that the reason for the public hearing is that this extension will become part of the Town's infrastructure which will become our responsibility. Mr. Quinn said that, yes, the Town will own and maintain the extension. Any future repairs would be the at sewer district's expense.

The following members of the public spoke:

Michael Grace, Grace Family Realty, Inc. and applicant, said that he believed that a public hearing was absolutely unnecessary. The two properties that have been there are only accessing the infrastructure that they have been paying district taxes on for years. All the Town Board should have needed was a Bill of Sale, if necessary. Mr. Grace said that although this may be a small matter for the Board, it causes expenses for the applicants and the property owners. Bond counsel in his opinion is not necessary because the project is not being bonded.

Supervisor Gilbert directed Mr. Grace to New York State Town Law Section 199. Mr. Grace said he was familiar with the section.

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

HALLOCKS MILL SEWER DISTRICT EXTENSION FOR PROPERTY BORDERED BY ROUTE 118, KEAR STREET AND UNDERHILL AVENUE  
RESOLUTION #300

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

NOW THEREFORE BE IT RESOLVED, that the Proposed Action made by Step Murphy, LLC, Grace Family Realty, Inc., and Underhill Realty Management, LLC, to furnish and install a Town sewer extension consisting of one (1) sewer manhole and approximately 25 linear feet of 8-inch lateral sewer main crossing Underhill Avenue, is hereby approved by the Town Board, subject to the following conditions: (1) that all infrastructure that will be Town-owned has been satisfactorily completed; (2) all required testing, reporting and professional certifications have been received by the Town; (3) all required regulatory sign-offs and approvals have been received/accepted by the Town; (4) all involved Town Departments and Boards have accepted the Work as complete; and (5) subject to Town Board approval.

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

PUBLIC HEARING - PROPOSED LOCAL LAW TO AMEND CHAPTER 300 OF THE CODE OF THE TOWN OF YORKTOWN WITH REGARDS TO MULTI-FAMILY DWELLINGS IN A COUNTRY COMMERCIAL ZONE

Town Supervisor Ilan Gilbert convened a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "Zoning" regarding Multi-Family Dwelling Units in the Country Commercial Zone District.

Planning Director John Tegeder said that this is a proposal to add a special permit section in the zoning code to allow multi-family use as a main use in that zone. Presently retail and apartments above retail are allowed but not stand-alone singular multi-family uses in that zone. The Planning Department's experiences have shown that this is a desirable option and allowing it under a special permit was the best way to allow for the change. In the proposed amendment, the Town will not have to do a rezoning change in special cases; the applicant can apply for a permit instead. If there are market/uses changes or demographics/population changes in the future, the building can be converted back to the original main uses allowed in the Country Commercial Zone. Mr. Tegeder believes this is a stable way of approaching the change. He said this is a simple change to the law but suggested a few changes.

Councilwoman Roker asked if there are any current applications that this would apply to and Mr. Tegeder said no, but there is a future applicant who would wish to avail himself of the change.

Councilman Patel asked for an example of a location that this would affect and Mr. Tegeder said that there is an area near Jennifer's Restaurant on Route 129 that would be considered under this change.

Supervisor Gilbert read a letter from Norma Drummond, Westchester County Department of Planning, who stated that the Board is generally in favor of the change and recommends allowing it to move forward. They also recommend that the law be revised to further fair housing by requiring that 10 percent of new housing units be affordable. Supervisor Gilbert stated that this is the Westchester County Planning Board's recommendation.

A member of the public was concerned that there were projects already planned that would fall under this zoning but was informed that the areas she mentioned were not part of the Country Commercial Zone. Mr. Tegeder explained that there are numerous commercial zones in the Town and one of them is called Country Commercial. Country Commercial zones are very few and small – Route 6N around Osceola Lake, the area already mentioned on Route 129/118, a couple of properties on Gomer Street, and further west on Route 129 near the gas station. Many of these are smaller, older properties – they are reflective of old villages that used to exist, which is why they have commercial in them.

Mr. Tegeder recommended the minimal lot area be changed from 40,000 square feet to 20,000 square feet of gross lot area and the maximum allowable density be changed from 1 dwelling unit per 10,000 square feet to 1 dwelling unit per 7,500 square feet.

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

ADOPT LOCAL LAW NO. 1 OF 2018 TO AMEND CHAPTER 300 ENTITLED "ZONING" REGARDING MULTI-FAMILY DWELLING UNITS IN THE COUNTRY COMMERCIAL ZONE DISTRICT RESOLUTION #301

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

WHEREAS, a public hearing was held on September 4, 2018, pursuant to notice duly published as required by law to amend Chapter 300 entitled "Zoning" of the Code of the Town of Yorktown as follows:

Multi-Family dwelling units shall be allowed by special permit of the Planning Board in the Country Commercial Zone in accordance with the provisions of §300-28 through §300-36, under the following standards:

The minimum Bulk and dimensional regulations shall be in accordance with §300-241, except for the following:

- (1) The minimum lot area shall be 20,000 square feet.
  - (2) The minimum lot width at main building line shall be 100 feet.
  - (3) The minimum lot depth shall be 100 feet.
  - (4) The maximum allowable density shall be one dwelling unit per 7500 SF of gross lot area.
  - (5) Appropriate and adequate refuse enclosures are required. The Planning Board shall determine the number, size, and locations of refuse enclosures, which shall be shown on the site plan.
- A. Required off-street parking spaces shall be in accordance with § 300-246. Parking spaces shall be permanently paved and marked and, if illuminated, shall be in a manner which will not disturb the adjoining property owners.
  - B. The planning board may require screen planting or decorative fencing to screen and buffer adjoining properties. There shall be no outdoor storage permitted on the lot in question.
  - C. Accessory structures and uses are permitted provided they are customarily incidental to a residential use.
  - D. All other requirements of the underlying Country Commercial Zone shall apply. Each application shall include a site plan in accordance with Chapter 195, entitled Land Development, and the board may require such other supporting documentation and plans it deems necessary. The architectural treatment of any existing or new building shall be in conformity with the existing architectural concepts in effect in the immediate area.
  - E. Under this special permit section, mixed-use developments are not allowed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Ian D. Gilbert	Voting Aye
Deputy Supervisor Alice E. Roker	Voting Aye
Councilman Vishnubhai V. Patel	Voting Aye
Councilman Thomas P. Diana	Voting Aye
Councilman Edward A. Lachterman	Voting Aye

Local Law #1 of 2018 is hereby duly adopted.

COURTESY OF THE FLOOR

The following members of the public spoke:

Mr. John McMullen, Yorktown Poet Laureate, spoke about Senator John McCain and his service to the country.

Mr. Jay Kopstein, resident, stated that at the Town Board Work Session of August 14<sup>th</sup>, a Town Board member criticized the abilities and work ethics of rank and file Town employees.

Councilwoman Roker was not present at that meeting and Supervisor Gilbert did not make the comment. The comments were not appropriate. He said that criticism in public is not called for. He said that while it may be appropriate for elected officials and citizens to question or criticize a department head or elected official, it is not appropriate to criticize rank and file employees.

Mr. Kopstein said that Supervisor Gilbert should have tried to step in and quiet the member in question. He also stated that there are five members on the Board, four are solely legislators but only one functions as legislator, CEO, and COO of the Town. Only the Supervisor has the authority and responsibility to manage the Town on a daily basis. Mr. Kopstein stated that on August 28<sup>th</sup> he sent an email to all of the Board, as well as others, and only the Town Clerk, Diana Quast, had the courtesy to acknowledge the email. He asked if the grants for two vehicles recently came out of the Community Block Development Grant monies and when was it approved, because it was not done publicly. Director of Planning said that the money was federal money that probably came through the State.

A member of the public who lives on Hallocks Mill Road complained about tractor-trailer traffic on the road. There have been some accidents and damage. She said she has spoken to Police Officer Jason Swart from the Police Department who said he is the only one who patrols that area. She suggested that someone be there as a constant presence to monitor the situation that has been made worse now that school has started. She explained several of the problems concerning the traffic in the area and made some suggestions. She said the New York State Department of Transportation told her that the Town has to authorize them to do a traffic study. The trucks seem to be the major problem.

Councilman Diana said that this issue needs to be “bumped up” to the Police Department to do more active patrol there. Councilmember Roker said that this area has been a problem for many years. Highway Superintendent David Paganelli said a solution would be to make Hallocks Mill Road a one-way road that will cut about 75% of the traffic there. Former Highway Superintendent Eric DeBartolo said that, by law, you cannot tell a school bus which roads to use. He also suggested using Jersey barriers.

Mr. Howard Frank, resident, came before the Board to talk about a water meter problem that a property manager brought before the Board a few months ago. Over the last two or three years, 2,000-3,000 new water meters were installed in the Town and none were sealed. There was a meeting with the Water Superintendent and the Supervisor’s Assistant and he said he never got any answers. Mr. Frank mentioned the Water Department bid for various materials that is open and it does not contain water meter seals. It is very easy to tamper with water meters if they are not sealed. All of the condominium complexes have private meters that need to be inspected, as these complexes use a lot of water. He said that this year was the highest amount of water loss in the Town of Yorktown. He spoke about backflow that can cause meters to function improperly. Mr. Frank would also like the Town to include water meter seals in their purchase that could help with the loss of water in the Town.

Mr. Eric DiBartolo, President of the Chamber of Commerce, and Mr. Sergio Esposito, Vice President, came before the Town Board to discuss a few items. Mr. DiBartolo addressed the Granite Knolls presentation by saying Mr. Orłowski is doing a great job. Mr. Esposito said the comment regarding about the Police Department not being able to do anything about the destruction of the gazebo made no sense. He believes the Police Department is doing a great job.

Supervisor Gilbert said that he believed that comment was not a criticism of the Police Department.

Mr. DiBartolo said that the Showmobile was brought into the Town to help make the Town a showcase. He agrees that it should be under the responsibility of the Parks & Recreation Department. He said there was a previous discussion about a \$1,000 rental fee for a non-town sponsored event. Mr. DiBartolo asked from where is that \$1,000 coming from? He has a problem because it was taxpayer money that funded the purchase of the Showmobile and now it seems that

the Town is trying to make money on it. If it truly is \$1,000 then the amount should be broken down into each of the costs involved. Mr. DiBartolo said that the generator that the Town rebuilt on the Showmobile is not designed to have bands play music on it – it must be made clear that the generator is strictly to open the Showmobile and to run its lights. He cited a recent use by Club Fit that shut the generator down. In conclusion, he feels the perception is that the Town is trying to make money.

Mr. DiBartolo also mentioned the \$5,000 the Chamber of Commerce donated towards the cost of the Showmobile with the expectation that they would be able to use it for town-sponsored events. He was told by Mr. Orłowski they would have to pay the \$1,000 fee for the upcoming street fair even though Mr. DiBartolo thought this was a joint venture with the Town. Mr. DiBartolo said they spend a lot of money on this event, specifically for cleanup. He feels this event is about promoting the businesses in Town and not the money. He presented Supervisor Gilbert with past evidence that this was a town-sponsored event.

Supervisor Gilbert said he understands Mr. DiBartolo's point of view; however, he still needs to make sure we do not spend taxpayers' dollars or give away anything to individuals or groups where taxpayers will ultimately be bearing the cost.

Mr. DiBartolo stated that when something in government that does not want to get done, the reason "gift of public funds" is used. He also stated that the Town cannot make money on the taxpayers' money or collect interest.

Councilman Diana stated that he does not believe this is a "gift of public funds." The Showmobile was purchased for the purpose of expanding the arts in Yorktown and for community events.

Councilwoman Roker explained that the costs associated with the Showmobile: there are employees that put it up and break it down; and if a weekend is involved, overtime is required.

Mr. DiBartolo said it is fine that these costs are incurred but it needs to be broken down.

Mr. Esposito said he understands the fiduciary responsibility of the Town and the Board but asks for "good will" consideration for organizations whose activities benefit the Town and its residents.

Supervisor Gilbert said he is thrilled that Yorktown is an event-oriented Town but in his first year, they have added the 230<sup>th</sup> Anniversary Celebration and understands that there are one or two more events being added to this year's calendar. Each of these events has a price tag associated with them. The taxpayers pay for this; all he is trying to do is look to make sure the Town can cover some of these costs. The Chamber of Commerce is covering the cost of keeping the Albert A. Capellini Community and Cultural Center building open on that day and the Town is covering the overtime costs of the workers involved, therefore; this is a shared event.

Mr. Esposito enumerated the costs of the events to the Chamber and raised the issue of the \$5,000 donation and the understanding of free use of the Showmobile.

Mr. DiBartolo stated he had a copy of the agreement. Mr. DiBartolo said that with the change in administration, the terms of the agreement seemed to have changed and Mr. Esposito said he just wanted to see the Board honor this agreement.

Supervisor Gilbert requested that a copy of the agreement be forwarded to him.

Councilwoman Roker said that it is a good idea for this kind of event to be joint because the Chamber grew out of the Town.

Mr. DiBartolo agreed and is looking forward to partnering with the Town.

The proposed resolution regarding the Showmobile was tabled.

Ms. Susan Siegel, resident, questioned the resolution regarding the reinstatement of the Environmental Panel slated for vote later in the evening. She said that there is no mention of an environmental consultant being used. Since there was an RFP in April for one, she would like to know the results of that RFP. She said it is not clear how an average homeowner would approach

an issue and how the panel would work with a homeowner. Ms. Siegel also asked about the US Communities resolution to be voted on. Her information says that if one contractor has a contract with another community elsewhere, another community can “piggyback” onto that project. She asked if the Town is committed to using Garland (the company that gave a presentation on the Town buildings roofing project) and would the specifications be different based on state/local requirements (i.e., NY State Prevailing Wage Schedule). She would like to know the Town Board’s thinking on how they will utilize US Communities and where the Board is on the roofing project. Ms. Siegel, as a member of Yorktown Trailtown Committee, announced two events: Saturday, September 15<sup>th</sup>, Yorktown is participating in the Greater Hudson Valley Ramble and are sponsoring a 10:00 a.m. mountain bike ride on the trails; at 2:00 p.m. they are having a guided interpretive tour through Sylvan Glen. All of the information is on the Yorktown Trailtown website: yorktowntrailtown.com. Councilman Lachterman asked Ms. Siegel to please caution participants to protect themselves from ticks. Mrs. Siegel said the new Mohansic Trail is coming along very nicely.

Mr. Michael Grace, resident and former supervisor, said that the Showmobile (the acquisition was under his administration) resulted from the lack of a proper venue for performances. The money was taken out of the General Fund and the intention was to enhance all of the events that took place in Town and there was never an intention to charge anyone. He said that this is not a gift of public funds because it is implicit that the Town is a co-sponsor of all of the events that occur in Town. He listed all of the events that occur in Town that bring thousands of people into the area and is exposure for all of Yorktown’s businesses. These events were generated by goodwill and for the benefit of the Town. The fee the Town wants to charge is a lot of money for these organizations.

Mr. Grace, responding to a newspaper article, said that his transitional meeting with Supervisor Grace took place on December 28, 2017. As far as the grant for Granite Knolls is concerned, he offered to send Supervisor Gilbert his transcript of the meeting. He said he painstakingly went through the project during the meeting. He said the \$300,000 grant was sitting in Senator Murphy’s office specifically for the lights or could have been used for other infrastructure within that project. He said he discussed this and other subjects at length with Supervisor Gilbert at that meeting. He disagrees with the Supervisor’s characterization of the meeting. Mr. Grace then raised the issue of the Depot Square Project and the Board’s lack of decision. He stated that the residents are entitled to an explanation. There is almost \$1.2 million in grant money that could be applied to it. This project is more than just replacing the Highway Department; the Parks Department is in deplorable condition. The facility on the hill was for both departments. The Town is going to face in the near future an investment in facilities for these departments because they will not be adequate for future needs.

A debate ensued between Mr. Grace and Councilwoman Roker regarding the financial viability of this project.

Supervisor Gilbert stated that the money for the project would be contingent upon the sale of the Highway Department Building. The facility on the hill could not be built until that money was received; in the meantime, there would be no place for the Highway Department. He also stated tax caps apply that affect these choices.

Councilwoman Roker debated with Mr. Grace as to the involvement that committees have in assisting in making decisions regarding projects. Mr. Grace made the suggestion that the Board should be the deciding committee regarding projects.

Councilwoman Roker stated that when projects affect the residents and the community, people should have a right in having a say in their community via committees and the like. She said she was not sure if Mr. Grace, as supervisor, gave them that right. He disagreed.

Supervisor Gilbert stated that his administration has been faced with serious infrastructure issues that have been pushed down the road for many, many years. His fiduciary responsibility is to make sure these issues are addressed.

Mr. Greg Bernard, resident and former councilman, said the Town Board needed to re-examine the Courtesy of the Floor routine. Everyone who spoke this evening went beyond the three-minute time limit. He said that at the beginning of this administration, it was said that the Board would not respond during Courtesy of the Floor and that has not happened. The “back-and-forth” responses

are prolonging Courtesy of the Floor. Mr. Bernard, as a former member of the Traffic Safety Committee, said that it is not just Hallocks Mill Road that has the issues the previous speaker mentioned – it is all over Yorktown and the Police Department cannot be everywhere.

Supervisor Gilbert said that any comments that might have been interpreted as a criticism of the Police Department’s policing of the Town is not warranted – they do a terrific job.

APPOINTMENTS TO THE ECONOMIC AND BUSINESS REVITALIZATION COMMITTEE

APPOINT ANDREW DREWS

RESOLUTION #302

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

BE IT RESOLVED, that Andrew Drews is hereby appointed as a member of the Economic and Business Revitalization Committee for a four-year term to expire on December 31, 2022.

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

APPOINT GEORGE SOULS

RESOLUTION #303

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that George Souls is hereby appointed as a member of the Economic and Business Revitalization Committee for a four-year term to expire on December 31, 2022.

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

Mr. Souls said a few words about avenues for bringing more revenue into Town which is why this committee is important.

APPOINT KYLE DEVITO

RESOLUTION #304

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that Kyle DeVito is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

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

APPOINT KATHERINE QUINN

RESOLUTION #305

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that Katherine Quinn is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

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

APPOINT RENEE FOGERTY

RESOLUTION #306

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that Renee Fogerty is hereby appointed as a member of the Economic and Business Revitalization Committee for a three-year term to expire on December 31, 2021.

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

APPOINT GREG BROWN

RESOLUTION #307

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that Greg Brown is hereby appointed as a member of the Economic and Business Revitalization Committee for a two-year term to expire on December 31, 2020.

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

APPOINT WILLIAM BECK

RESOLUTION #308

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that William Beck is hereby appointed as a member of the Economic and Business Revitalization Committee for a two-year term to expire on December 31, 2020.

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

RESOLUTIONS

RE-ESTABLISH THE ENVIRONMENTAL PANEL

RESOLUTION #309

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS, the Town of Yorktown established a panel of staff members known as the Environmental Panel, which had as its purpose meeting with the public to streamline environmental permits and disseminating other development related information to aid permittees in navigating the permit process; and

WHEREAS, the Environmental Panel ceased its operations in 2016, and

WHEREAS, the town board of the Town of Yorktown desires to re-establish the panel to provide the public with assistance in the permit processes of the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board re-establishes the Environmental panel and that it shall consist of the Town Engineer, the Town Building Inspector and the Director of Planning, and other staff or volunteer board members that may be appropriate to the duties of the panel; and

BE IT FURTHER RESOLVED that the panel shall be chaired by the Director of Planning and shall meet on a regular basis as is necessary to execute its duties and provide assistance to potential permittees in the permitting processes of the Town.

Councilman Diana said that he did not like the name “Environmental Panel” name on this committee because it is not just environmental; it involves other departments, as well. The name of the panel will be established at a future date.

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

AUTHORIZE SPARC, INC. USE OF ROOMS AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER AT A REDUCED RATE

RESOLUTION #310

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that the Town Board authorizes SPARC Inc., use of rooms at the Albert A Capellini Community & Cultural Center, to provide social and recreational programming to teens and young adults with developmental disabilities, the Town Board hereby reduces the room rent fees from \$4,851.00 to \$420.00 for 183 hours of room use beginning on October 12, 2018 through March 29, 2019 as indicated in the schedule below.

October-12, 19, 2018  
November-2, 9, 16, 30, 2018  
December-7, 14, 21, 2018  
January-4, 11, 18, 25, 2019  
February-1, 8, 22, 2019  
March-1, 8, 15, 22, 29, 2019

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

AUTHORIZE THE AMERICAN RED CROSS USE OF ROOMS AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER FOR A BLOOD DRIVE AND FEE WAIVER  
RESOLUTION #311

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

BE IT RESOLVED, that the Town Board authorizes the American Red Cross use of rooms at the Albert A Capellini Community and Cultural Center, to hold a blood drive on October 7, 2018 and waives the fee.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH US COMMUNITIES UNDER A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT  
RESOLUTION #312

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

RESOLVED, that the Town Supervisor is authorized to enter into an agreement with US Communities under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and US Communities for roofing with contract holder Garland/DBS. Inc. and authorizing the Town of Yorktown to make purchases for the benefit of the Town of Yorktown through US Communities, Garland/DBS. Inc. There is no charge to the Town for joining this purchasing system.

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

Supervisor Gilbert said that in answer to Mrs. Siegel's question, this does not commit the Town to anything; it is just another "tool in the toolbox."

REJECT AND REBID FOR REPLACEMENT OF A NEW STEAM GAS-FIRED BOILER #3 FOR THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER  
RESOLUTION #313

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

RESOLVED, that the Bid for the installation of a new steam gas-fired boiler in direct replacement of existing steam boiler #3 located at the Albert A. Capellini Community and Cultural Center be rejected due to a modification in the specifications of the bid.

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to advertise a rebid for the installation of a new steam gas-fired boiler in direct replacement of existing steam boiler #3 located at the Albert A. Capellini Community and Cultural Center.

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

AUTHORIZE FUNDING FOR BRIDGE REPLACEMENT – HILL BOULEVARD OVER BARGER BROOK  
RESOLUTION #314

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS, a project for the Replacement of Hill Boulevard over Tributary to Barger Brook (BIN 2265539) in the Town of Yorktown, Westchester County, PIN. 8761.66 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Town of Yorktown will design, let and construct the Project: and

WHEREAS, the Town of Yorktown desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Yorktown Town Board, duly convened does hereby

RESOLVE, that the Yorktown Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Yorktown Town Board hereby authorizes the Town of Yorktown to pay 100% of the cost of right-of-way acquisition work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$16,104 (calculated as follows: Original Budget, \$5,000 plus \$11,104 Additional Work equals New Total \$16,104) is hereby appropriated from available Town funds and made available to cover the cost of participation in the above phase(s) of the Project and it is further

RESOLVED, that the Yorktown Town Board hereby agrees that the Town of Yorktown shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Yorktown and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of Yorktown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof; and it is further

RESOLVED, that the Town of Yorktown hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and the construction phase of the Project shall be completed within thirty-six (36) months; and it is further

RESOLVED, that the Supervisor of the Town of Yorktown be and is hereby authorized to execute on behalf of the Town of Yorktown all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Yorktown's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the Supervisor the following municipal titles: Town Attorney, Town Engineer and/or Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Highway Superintendent David Paganelli pointed out that according to this resolution, the money for this is tied up for 54 months. Supervisor Gilbert stated that his understanding is that as the money is spent, the Town will be reimbursed. Supervisor Gilbert stated that this is an issue where the auditors indicated we had a certain amount of money but some of which the Town cannot touch to avoid dropping the fund balance which is not looked upon

favorably by the State Comptroller's office. Supervisor Gilbert stated that we will get 95% of this back.

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

AUTHORIZATION FOR COMPTROLLER TO ACCEPT THE PROJECT PERFORMANCE BOND RECEIVED FROM ACORN ELECTRIC FOR THE PUMP STATION UPGRADE PROJECT

RESOLUTION #315

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. The Town Board awarded the Pump Station Upgrade Bid at the Town Board Meeting of April 5, 2018 to Acorn Electrical Contractors, LLC, for a total bid amount of \$350,000 for the electrical portion of the project.
2. Acorn Electrical Contractors, LLC as Applicant, provided the Town with Argonaut Insurance Company c/o CMGIA #CMGP001560, in the amount of \$350,000.
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW THEREFORE BE IT RESOLVED, that the delivery of the required project Performance Bond has been satisfied and that the Town Comptroller is authorized to accept the above referenced project Performance Bond.

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

AUTHORIZE COMPTROLLER TO RELEASE MONIES TOTALING \$250 TO MORFEA - #WP-BSWPPP-049-17 MOHANSIC AVENUE EAST

RESOLUTION #316

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. Luigi & Gretchen Morfea as applicants, posted check #163 in the amount of \$250 which was deposited to the T33 account on October 27, 2017, to serve as the Performance Bond for site work performed at the Mohansic Avenue East location.
2. Luigi & Gretchen Morfea have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above-referenced monies totaling \$250 be and is hereby released to Mr. & Mrs. Luigi Morfea, 1711 Mohansic Avenue East, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE MONIES TOTALING \$2,500 TO ENVIROGREEN ASSOCIATES

RESOLUTION #317

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. Rick Cipriani of Envirogreen Associates as applicant, posted check #1343 in the amount of \$2,500 which was deposited to the T33 account on March 22, 2002, for site work performed at the East Main Street location.
2. Rick Cipriani of Envirogreen Associates 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, that the above-referenced monies totaling \$2,500 be and is hereby released to Envirogreen Associates, 11 Hageman Court, Katonah, NY 10536, Attn.: Mr. Rick Cipriani.

Director of Planning John Tegeder said that he did not receive a referral for this site plan application, nor did he receive one for Kilik – Country Academy of Dance. He said he does not have an issue with this that he can think of, but as a matter of process, he should receive these as referrals.

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

AUTHORIZE COMPTROLLER TO RELEASE MONIES TOTALING \$2,500 TO KILIK – COUNTRY ACADEMY OF DANCE - #WP-E-043-07  
RESOLUTION #318

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. Howard Kilik, as applicant, provided the Town with Check No. 110 in the amount of \$2,500.00 which was deposited into the T33 account on July 10, 2009, to serve as the Wetland Bond for the Country Academy of Dance Site Plan for permit #WP-E-034-07.
2. Howard Kilik, as applicant, provided the Town with Check No.105 in the amount of \$10,000 which was deposited into the T33 account on May 8, 2009, to serve as the Erosion Control Bond for the Country Academy of Dance Site Plan.
3. Howard Kilik as applicant has requested their monies be released as the project is not moving forward.
4. Since the permit is being voided, the Town Engineer has no objection to release of the monies being held.

NOW, THEREFORE BE IT, RESOLVED, that the above referenced monies are hereby released to Howard Kilik, 15 Highland View Road, Mahopac, NY 10541, Attn: Howard & Linda Kilik.

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

AUTHORIZE COMPTROLLER TO RELEASE MONIES TOTALING \$250 TO 521 CHASE ROAD  
RESOLUTION #319

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. Robert & Ellen Weiner as applicants, posted check #1337 in the amount of \$250 which was deposited to the T33 account on September 26, 2017 to serve as the Performance Bond for site work performed at the Chase Road location.

2. Robert & Ellen Weiner have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, that the above-referenced monies totaling \$250 be and is hereby released to Mr. & Mrs. Robert Weiner, 521 Chase Road, Yorktown Heights, NY 10598.

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

ADVERTISE BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #320

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

RESOLVED, that the Town Clerk is hereby authorized to advertise a bid for Various Chemicals for the Water Pollution Control Plant, Bid #18-3.

ADVERTISE BID FOR DEWATERED SLUDGE FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #321

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

RESOLVED, that the Town Clerk is hereby authorized to advertise a bid for Dewatered Sludge for the Water Pollution Control Plant, Bid #18-2.

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

APPROVE EXTENSION OF BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #322

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS:

1. The Town Board at its meeting of October 17, 2017, awarded the bid for Various Chemicals for the Water Pollution Control Plant, for four (4) chemicals. The term of the contract was one year, expiring on November 1, 2018.
2. The contract language included an option to extend the bid for an additional one year term at the same price, contract terms and conditions, upon mutual consent of the Town and the contractor.
3. Four (4) of the vendors agreed to hold their bid price for an additional 1-year period:
  - a. Shannon Chemical Corp. for Citric Acid 50%
  - b. Slack Chemical Co. for Sulfuric Acid not more than 51%, Sodium Bisulfite 38%, and Sodium Hypochlorite 15%
  - c. Clean Waters, Inc. for Polymer
  - d. PVS Technologies for Ferric Chloride
4. The Town Engineer recommends that the Town accept the bid extension for an additional 1-year term, for the period of 11/1/18 through 10/31/19.
5. There are two (2) chemicals in which the vendor did not wish to extend the current Town agreement, the Town is currently advertising for bids for these chemicals.

RESOLVED, that the Town Board extends the contract with the above referenced chemical companies, for Various Chemicals for the Water Pollution Control Plant, for a one year period, commencing on 11/1/18 and ending 10/31/19.

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME AS OF  
DATE OF SEPARATION FOR NICHOLAS DEVITO  
RESOLUTION #323

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Nicholas DeVito the cash value of unused time as of his date of separation:

Rate of Pay:	\$35.1750				
Vacation	34.75 hours	x	\$35.1750	=	\$1,222.34
Floating Holidays	3.75 hours	x	\$35.1750	=	\$ 131.91
Comp Time	4.50 hours	x	\$35.1750	=	\$ 158.29
					Total \$1,512.54

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at resignation as follows:

From:	
D5110.101	Highway - Salary
\$1,512.54	
To:	
D5110.108	Highway Lump Sum Payments
\$1,512.54	

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

RELEASE ESCROW DEPOSITS FOR STREET OPENING PERMIT #016-015  
RESOLUTION #324

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

RESOLVED, that the Town Board authorizes the Comptroller to release Street Opening Permit #016-015 in the amount of \$1,000 to RPG Properties, Inc., 26 Hillcrest Ave., Brewster, NY 10509.

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

AUTHORIZE THE TOWN OF YORKTOWN TO MODIFY BY EXECUTED RIDER THE  
AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE PURPOSE OF  
UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM  
RESOLUTION #325

Upon motion made by Councilman Lachterman, seconded by Councilman Diana

WHEREAS, the Town of Yorktown Town Board adopted a resolution dated May 22, 2018 authorizing the Town Supervisor to execute an agreement with County of Westchester to participate in a community development program; and

WHEREAS, The United States Department of Housing and Urban Development, the sponsoring agency responsible for the program, is requiring a modification to paragraph 16 of the agreement which adds subparagraph (c) which states that the town may not “receive a formula allocation under the ESG program except through the Urban County;” and

WHEREAS, the modification is to be in the form of a rider to the agreement; and

WHEREAS, the Town Board finds the modification is acceptable and in the public interest; and

NOW, THEREFORE, BE IT RESOLVED, that Town Supervisor be and hereby is authorized to execute a rider to the executed Cooperation Agreement between the Town of Yorktown and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended and Title II of the National Affordable Housing Act of 1990, as amended.

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

#### PINESBRIDGE MONUMENT UPDATE

Director of Planning John Tegeder said that he is trying to get the monument installed mid to the end of October. The artist is ready and the statues are complete and sitting in the foundry. The issue is still the location of where the statue should be. There is a group that is offering to build the base for the statue but have the preference of placing the statue in the Heights section in either Patriots Park or Railroad Park. He said the feeling is that the choice of Patriots Park should include the long-term plan of moving the skate park because it would not go together visually. Councilmember Roker said that more than the visual effect of the skate park is that many people do not know the park exists. Mr. Tegeder said the plans for Patriots Park are evolving and there are long-term plans for it.

Supervisor Gilbert said that when this monument project was started and people were donating money, it was with the understanding that it would be at Downing Park. Councilman Diana said that although it is understandable to want it across from the burial site, it might not draw many people. The Board does not have a problem with a Heights location, although Councilmember Roker felt it should not be in Railroad Park. A resident stated that she felt the proper place would be Patriots' Park as long as the surrounding area was cleaned up.

#### EXECUTIVE SESSION (CLOSED SESSION)

Upon motion made by Councilman Diana, seconded by Councilmember Roker, the Town Board moved into Executive Session to discuss Litigation and negotiations and will adjourn thereafter.

#### ADJOURN

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

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DIANA L. QUAST, RMC, CMC  
TOWN CLERK  
TOWN OF YORKTOWN