

Meeting of the Town Board, Town of Yorktown held on December 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
 Edward Lachterman, Councilman

Tardy: Thomas Diana, Councilman

Also Present: Diana L. Quast, Town Clerk
 Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Roker, the Town Board moved into Executive Session to discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, 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.

Mr. John McMullen, Yorktown Poet Laureate, read an original poem regarding the changes that have taken place in Yorktown over the years.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Gilbert explained that the purpose of tonight's Public Hearing is for the 2019 Budget for the Town of Yorktown. Before the budget is drafted, he and the Town Comptroller met with the Department Heads to review the needs of their respective departments. A Tentative Budget was then drafted which was reviewed by the Town Board. A Preliminary Budget is voted upon by the Town Board to be submitted at tonight's Public Hearing. After this evening's Public Hearing, the Town Board will vote on the Final Budget to be adopted. Many factors are taken into consideration after input by all Department Heads: fixed costs (salaries, benefits, and contractual obligations), infrastructure needs (plumbing, roof, sewers, driveways & sidewalks, electrical generators, security, A/C & heating, etc.), the tax cap. Supervisor Gilbert stated that his goal is to get Yorktown's "house" in order while being every mindful of the fact that, like a homeowner, we must be ever conscious of our limited resources.

The agenda indicates an increase to the budget of \$1,173,470. Even though fixed costs increased, funding was increased to critical areas by using some of the fund balance and increased revenue to come up with a responsible fiscal plan that includes additional funding for infrastructure. The increase still falls below the permissible tax levy cap.

Supervisor Gilbert stated that one area that has not been sufficiently dealt with over the years in previous budgets is the aging infrastructure of the Town. The issues include the condition of the roadways, water mains, sewer systems, leaking roofs in town buildings, and the lack of generators to keep government operating during storm events and other critical times. This year the Town installed a back-up generator at Town Hall and the Highway Garage. There are six roofs on town buildings that need to be replaced.

Supervisor Gilbert said that it is not reasonable to rectify all of these issues in one year. However, he and the Town Board have been working to address them. For example, the Town's contribution to the road paving budget has been increased by 10%. In conjunction with the Highway Superintendent, they have negotiated an additional \$195,000 from Enbridge to rehabilitate Stony Street.

Supervisor Gilbert stated that this Town Board has looked at the aforementioned needs of the Town and addressed those needs in this budget. This budget is the result of a bipartisan effort of all of the Town Board members.

Supervisor Gilbert explained that the Capital Plan is a blueprint that defines major projects that the Town either hopes to complete in the next five years or that have a greater than five-year time frame. It should be understood that the Capital Plan is fluid and must have the flexibility to adjust priorities as events dictate. Supervisor Gilbert said that one item on the plan that he wanted to address is the Underhill Avenue Street Tree Replacement project. The number inserted into the plan is a placeholder. It is his understanding that this project will be undertaken by the developer of the Lowe's site as a condition of the original approval of their project.

DURING REPORTS FROM THE TOWN COUNCIL

Councilwoman Roker said it was her intentions to have Department Heads present the Capital Plan because it is an important document, especially for those departments that have infrastructure issues. Councilwoman Roker said that she would have them come back at a future meeting for this presentation.

Councilman Patel stated that every year spending goes up due to salary increases, benefits, etc. which will ultimately increase taxes. He believes that the public should understand this. Councilman Patel also stated that he is opposed to building a new Highway Garage.

Councilman Lachterman said that the budget has gone up, not necessarily the taxes. The Town's priorities have always been safety, security, and the quality of life in Yorktown. Keeping these services is a main concern.

Supervisor Gilbert stated how well the Board worked together on the 2019 budget and kept the best interests of the Town as the primary concern.

2019 PRELIMINARY BUDGET PUBLIC HEARING

Supervisor Gilbert convened a public hearing to consider the adoption of the Preliminary Budget for the Town of Yorktown for the fiscal beginning January 1st, 2019.

The 2019 Preliminary Proposed General Budget totals \$58,564,180.00 representing an increase of \$1,173,470.00 from the 2018 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$ 98,731.00
Superintendent of Highways -	\$121,328.00
Town Justice (2) -	\$ 33,126.00

The following members of the public spoke:

Mr. Paul Moskowitz, resident and member of the Open Space Committee, asked the Board if there was any provision made in the budget for the purchase of open space.

Town Comptroller Patricia Caporale stated that in the General Fund there is a contingency line comprised of the monies that were collected in the past. The Board has the authority to transfer those funds at any time for any purpose, such as the additional purchases of open space.

Mr. Moskowitz asked if the Board had the intention of setting aside money for open space and Supervisor Gilbert answered that if the right opportunity arose for a purchase, the money would be transferred per the Town Comptroller's statement.

Councilman Patel asked if this money will remain in a contingency line for future Town Boards and was told by Supervisor Gilbert that yes, it will.

Councilwoman Roker recalled the referendum that set aside the \$30 per landowner for open space. She is not convinced that the Board has the ability to turnaround a public referendum, and she would like the State Comptroller to be asked this question. Councilman Lachterman said that it was not a case of turning around the referendum but a choice not to collect the \$30 fee until the Town went through the funds that had been collected.

Supervisor Gilbert said that it was his recollection that the monies collected under this referendum were to be used only for the purchase of land, not for the maintenance of land. Especially now, after suffering through last year's storms, there is an obligation on the Town's part to ensure public safety. If the Town has a significant amount of open space, which the Town does, it has an obligation to maintain that land, and putting the money in a contingency fund gives us the flexibility to use it.

Councilwoman Roker suggested that a resolution or other appropriate document be put before the State Comptroller to ask about how this money could be handled. Having a referendum that allows the Town to collect the fee and then decide there is enough in the fund that it need not be collected anymore – Councilwoman Roker said she has a problem with this and hopes an answer will come from the State Comptroller.

Supervisor Gilbert said his understanding that the original action of the prior Town Board was looked at by the State Comptroller and was approved. Councilwoman Roker questioned this and Councilman Patel suggested getting the State Comptroller's opinion again.

Mr. Michael Beakes, resident of Darby Street, asked to be able to speak about the resolution on the agenda this evening regarding a temporary certificate of occupancy for 1175 Darby Street. Supervisor Gilbert said that he would have the opportunity to speak when they reviewed the resolutions later in the agenda.

Ms. Shelley Reed, Mohegan Lake resident, asked if the repair on the Mohegan Avenue retaining wall that is listed in the Capital Projects portion of the budget will actually happen. Highway Superintendent David Paganelli said this is an \$820,000 project that has biddable plans and the intent is to go out to bid and put it into next year's budget. He suggested that the money in the open space budget could be used for this. Supervisor Gilbert said they have a limited number but have some additional funds coming in from Enbridge, although they have not been allocated to anything specific. Ms. Reed reminded the Board that the road is down to less than two lanes.

Ms. Susan Siegel, resident, asked if she would be allowed to comment on the NIXLE resolution later on when it comes up on the agenda and was told yes. Ms. Siegel had several comments and questions regarding the budget. She suggested and requested that next year's budget hearing be scheduled at a time that is more convenient for the residents such as 7:00-7:30 pm. She commented on the open space issue by agreeing with Councilwoman Roker. Ms. Siegel suggested that since the original was done by Home Rule law, another Home Rule message should be sent to the State requesting the language be tweaked. The Board should work with the Open Space Committee to honor the original referendum while incorporating any changes to the language. Councilwoman Roker agreed. Ms. Siegel addressed the Capital Budget by quoting from the Capital Plan: "The Town Board has reviewed the Plan and has reviewed a one year Capital Budget that lists the projects likely to be implemented in 2019." Ms. Siegel said that if you review the pages, you will not see a one year Capital Budget – you see a wish list of possible projects without any clear indication of what projects will move forward in 2019 or how they will be funded. Projects the Town Board is not considering doing in 2019 (Highway Garage) should be removed from the list. She stated that once it is in the budget it is the Town Board's document so before the budget is adopted, the Board should go through the Capital Plan and make changes. Regarding the Open Space money (\$400,000), it should be designated in the budget. Ms. Siegel asked the Board when will they come up with a real list of projects that they intend on doing in 2019 and how they will be funded. Without carefully working out a one year Capital Budget (not the five year Capital Plan – two very distinct documents), there is a danger that available funds will be used for lower priority projects that may be very popular, "feel good" projects instead of the critical infrastructure projects. When will the residents have an opportunity to comment on the one year Capital projects? In previous years, taxpayers have not been given the chance to voice their opinion as to whether or not they wanted certain projects. Once the 2019 Budget is adopted, taxpayers have no say how millions of dollars are spent.

Ms. Siegel raised the issue of the tax levy. Her concern is that the tax levy in the preliminary budget does a serious disservice to the Town and its residents and will create long-term problems – financial, service, and infrastructure problems. If left at its present level, the tax levy will negatively impact the Town, not only in 2019, but in the years to come. It is the Board's fiduciary responsibility to plan for the Town's future. The preliminary budget calls for a town-wide tax levy that is about \$400,000 less than the maximum allowed tax levy that is determined by the State tax

cap. Most people do not realize that the tax cap is not a tax on the tax rate – it is a cap on the tax levy. For example, in 2013, when the cap was 2% the Town’s tax rate was 4.38%. There is no relationship between the tax cap and the tax rate. It is the tax levy that determines, in part, how much money the Town has to spend each year to provide the many services that provide our quality of life. When the actual levy in the budget is less than the state-allowed tax levy, the Town is penalized. That is because going forward the following year’s allowed levy is based on the previous year’s levy. So in any given year, if the Town’s actual levy is less than its maximum allowed levy, the following year’s maximum levy is less, which puts the brakes on what the Town can spend the following year and the years after that. This was ignored in the previous administration and Ms. Siegel went on the give examples of how it has affected today’s Board. Ms. Siegel said that the tax levy in the 2018 budget which this Board inherited was \$980,570 less than what it could have been. That gap meant that the 2019 levy that this Board is dealing with, was almost \$500,000 less than what it could have been. And now the proposed budget is aggravating the problem by creating an additional \$400,000 gap. Ms. Siegel told the Board they are repeating the mistakes made by the previous Board. She asks that if the Board closes the hearing tonight, do not vote to adopt the budget until they sit down with the Comptroller and take another look at the budget and find ways to increase the levy by at least \$400,000. That additional money could be used to pave roads or other possible projects, like the Mohegan Avenue retaining wall. The downside would be a larger town tax increase, possibly up to \$31. The Board has multiple options as to how to deal with the \$400,000. Ms. Siegel stated that for far too many years the Board has been obsessed with the percentage of a tax increase. Most taxpayers have no idea of what a 2% or 3% tax increase means to them; they relate better to dollar amounts. Given what the Town has heard over the last year about the condition of the roads, most residents would be willing to spend the extra \$31 if it meant better and safer roads. There is a specific long-term problem when you artificially lower the tax levy. By limiting future tax levies by hundreds of thousands of dollars the Town is jeopardizing the sewer extension project for up to 450 homeowners on aging and failing septic systems. They have been waiting 20 to 30 years for sewers. The Town will have to borrow to finance the sewer project and although the 450 homeowners will be the only ones to pay off that debt, the annual debt service expense will be a part of the Town’s tax levy calculation. If you shrink the tax levy this year on top of what was shrunk from the previous year, the levy may not be able to absorb that additional debt service expense. The Town will either have to put the brakes on the sewer project totally and say they cannot afford it or scale back the project to 200 or 300 homes. The long-term gains of adjusting the tax levy far outweigh the \$31 increase that it will cost. Ms. Siegel asked if the Town Board would please consider all of this.

Ms. Siegel had specific line item questions regarding revenues:

- Penalties and back taxes – why is it significantly less than last year’s budget?
- Legacy Field – when will the fields be restored and ready for use as a potential source of revenue?
- Why were building permits increased so much? What projects will generate these permits?
- Collection bin fees – if the revenue is listed at \$0, why does the Town still have the program? Or why are fees not collected?
- Is the fluoridation project going to begin soon? The \$900,000 grant is only good for a year.
- Why was the sewer rent revenue down?

Mr. Don Roberts, resident and member of United Taxpayers of Yorktown (UTY), said he agreed with Ms. Siegel regarding the time of the budget hearing. He also mentioned that people who were watching the hearing at home would be able to call in with questions. He recommends putting off the vote on the budget adoption until the Board considers tonight’s comments and reviews the budget again. Mr. Roberts stated that there is absolutely no reason why the Town cannot have a flat tax in this budget. He proceeded to review the fund balance. Every year the Town estimates its expenses for the next year and its income. If the income falls short, the Town can raise taxes or borrow money from the fund balance. At the end of the year they take a look at the projections of expenses and revenue, anything left over is added to the fund balance. For example, at the end of 2017 there was a fund balance of \$7 million. The revenue was understated and the expenses overstated. That excess money is taxpayer money that was given to the Town. Does the State recommend anything on fund balances in towns?

Supervisor Gilbert said they have had a discussion with the state who said there is no hard and fast rule, but the recommendation is to have a 15% fund balance. However, having said that, Supervisor

Gilbert explained that you actually have to have more than that because if you fall below that number, the Town receives criticism for not having enough in the fund balance.

Mr. Roberts said the fund balance in this year's auditor report said that there is \$26.7 million. He believes the fund balance is out of control. This increased by about \$4 million from the previous year.

Mr. Roberts said the General Fund is comprised of services residents received. According to the audit report, in 2016 the General Fund balance was \$12.4 million – 50% of the budget. In 2017 it went down to \$9.2 million dollars.

Supervisor Gilbert explained that the fund balance is a snapshot in time. What the Town had in December 2017 was very, very different just one month later due to bills having to be paid.

Councilwoman Roker stated that the money from Enbridge came in to pay for the new ball field, it was put in the fund balance so it was an artificial number.

Mr. Roberts asked if the Town has a written fund balance policy. Supervisor Gilbert said no. Mr. Roberts asked for a commitment to have this and Supervisor Gilbert said the Board will discuss this.

Mr. Roberts asked about specific line items:

- The Contingency Fund has a budget of \$500,000. Why do we even need this if we have such a large fund balance?
- Athletic club donation has been \$78,200 in the past and is now \$82,700. Why did this happen? Do these clubs need this money?
- Exemption impact report – the state owns 48 parcels in Town and their value is \$133 million. Does the Town collect taxes on these parcels? Putnam County collects taxes on state-owned parcels and Westchester does not. He feels action should be taken on this.
- Computer support and software – would it be worth having a Town IT person so that we can cut back on outside computer support?
- Cable professional services – Mr. Roberts said he does not believe that the service we receive is worth the money.
- Budget Advisory Committee – this was recommended in the past and nothing came of it. Is the Town interested in discussing this?

There is no reason why the town has to raise taxes this year. The expenses that are in the budget are overstated. Mr. Roberts cited the almost triple increase in electricity expenses for the records department from YTD \$21,000 to \$71,500 in 2019.

Mr. Ed Ciffone, resident and member of United Taxpayers of Yorktown (UTY), asked the Comptroller what it would take to make it a zero budget and was told a reduction of \$600,000. He said the Supervisor already took that out of the budget earlier this evening when he took out the tree replacement project. Supervisor Gilbert said that was not part of the operating budget. Mr. Ciffone spoke of several projects that affect the fund balance and how a zero balance could be achieved. He said that open space money should not be spent next year. The costs for Student Resource Officers should be reviewed. He also commented on the Police budget. He spoke about the tax rate of 2.65 and how that should be removed. Mr. Ciffone said they had over 5,000 signatures to petition against the new Highway Garage and it should be removed from the budget. Enbridge's \$1 million dollar should be used to fix the roofs. The one-person addition to the Parks & Recreation Department should be more since Granite Knolls will require more manpower. Legacy Ball Field has not been used for a long time and he does not understand the delays. Councilman Lachterman said that it is a safety issue at Legacy because you do not want children playing near a construction zone. Mr. Ciffone believes the Enbridge work should be checked regularly. Supervisor Gilbert said he does meet with Enbridge on a scheduled basis.

Mr. Brian Johnson, resident of Hanover East, said that the parkland on his street is not maintained. The past four years it has been on the decline. He said he was told by the Parks & Recreation Department that it is a manpower issue and he could take it up with the Town Board. Mr. Johnson said they had requested a garbage pail, which took a year for them to get due to a call to

Councilman Lachterman. Councilman Lachterman said he spoke with Superintendent of Parks & Recreation Todd Orłowski who is very receptive to clearing up this issue.

Ms. Susan Siegel said she only half agrees with Mr. Roberts regarding the fund balance. The fund balance should be distinguished between funds. The general fund should be spent but on major infrastructure projects; you do not use it to lower taxes. She likened it to a homeowner using their savings account to pay for their mortgage, utility bills, etc. and then there is nothing left in the savings account. You do not use the fund balance to cover your operating expenses. The Town used to have a hefty fund balance in the Water Department and what happened is that the tax rate in the Water Department dropped. Three million dollars that year was used to pay for annual operating expenses to the point where, when there was an emergency expenditure of \$1 million, the Town had to borrow the money.

Supervisor Gilbert said this leads to the fluoridation project question from earlier. The Town Board has some serious questions to address because the Water Department fund is such that although the \$900,000 is a grant, it is money the Town has to expend first and we are operating on a shoestring when it comes to the Water Department. This has not yet been resolved since these capital projects are fluid. It may be important to fluoridate the water, but it is more important to get water to the residents. Ms. Siegel said that the Town might have to consider increasing the water rate. You just cannot keep giving more; sometimes the services have to remain the same.

Mr. Ken Belfer, resident, raised the issue of the garbage collection in the beach districts. He asked if residents in these areas can opt in to the garbage collection district. Supervisor Gilbert said individuals cannot opt in, all districts would have to be brought in. There are many beach districts that do not want to opt in since their costs are lower with independent carting companies.

Mr. Belfer asked about the Mohegan Avenue retaining wall repair and if funding will be available as well as the safety of the area. Michael Quinn, Town Engineer, said they have biddable plans for this project. Highway Superintendent Paganelli addressed Mr. Belfer by saying that before the road comes anywhere near to collapse, he will close it. They will be going out to bid in about a month with work, hopefully, starting in May. He cautioned that this will be a four to six month project.

Mr. Roberts responded to Ms. Siegel's comments by saying they are not opposed to spending the fund balance on capital projects; there is enough there to do that and reduce the budget. He asked about the pipeline work and the additional police presence it requires. He understands the cost for additional police comes from a separate fund that Enbridge pays for, but what about the use of the vehicles? Chief Noble said that they are using town vehicles but there is not a lot of driving that is being done, most of the cars are stationary. He also said that this use is a public safety issue.

Mr. Dan Strauss, resident, asked about the grant process. He was not aware that the money has to be spent first before receiving the money. He also asked if the Water Department is separate from the rest of the Town regarding the fund balance.

Councilwoman Roker said that Mr. Strauss hit on something that is key in terms of fund balance and grants. As soon as the Town gets a grant, no matter how much it is for, the money immediately comes out of the fund balance. If there is \$10,000,000 in the fund balance and a grant is for \$7,000,000, the fund balance is reduced to \$3,000,000. Mr. Strauss said that this should be made clear to the public when the Town Board is discussing a grant. Councilwoman Roker said that the Town also does not know when they will receive reimbursement so they have to consider that when using the fund balance.

Councilman Lachterman said there was a lot of talk on the levy, which is actually a balancing act. It may be an easy thing to say to increase each taxpayer \$31, however, the Town is going to get hit by the County this year and possibly the state. Councilman Lachterman said that their job is to do what is right for the Town. Both Supervisor Gilbert and Councilman Lachterman spoke in support of the Police Department Budget, saying that the primary concern of the Town is the safety of our residents.

Councilman Lachterman also mentioned the 15% of the Water budget is different from the 15% of the police budget, the library budget, etc. It cannot be taken and moved around. He went on to say that one of the big reasons the Town has a big fund balance is because our department heads do a great job with the resources they have. They do whatever they can to bring money to the bottom

line. Councilman Lachterman agreed that the Highway Garage project needs to be discussed – he believes there is about \$1.2 million in grant money for this.

Supervisor Gilbert said that his understanding is that there are two separate grants for about \$300,000 each that are committed to the Town.

Councilman Lachterman said that Legacy Field is a huge safety issue and was a much needed close-down of the property.

Supervisor Gilbert said this budget is a delicate balance. There are residents who feel the Board has not raised taxes enough and other who feel they should not be raised at all. He thanked the Town Comptroller, Patricia Caporale, who is conservative by nature and he would rather have an individual who assists him in preparing a budget that has a surplus rather than a deficit. Supervisor Gilbert said the Highway Garage – in a perfect world where we would have unlimited resources, the Town should have a new Highway Garage. He has spoken with department heads, including the Highway Superintendent, and the Town has more immediate and pressing infrastructure needs. It is his thought that we cannot afford to move forward on these grants. However, he is open to discussion on this project. Supervisor Gilbert suggested that if the grant money could be repurposed, a refurbishment of the Highway Garage could be explored. However, right now, he does not believe that we have the funds to begin the project.

Councilman Diana echoed Supervisor Gilbert's statement that the Board is here to serve the residents. He thanked all of the department heads and employees for tightening their belts and "doing more with less." He said that there is not one member of the Board who is against the fluoride project; the Board is just trying to be fiscally prudent in how money is allocated that the Town has to encumber. He said that in his conversations with the Water Distribution Superintendent that he cannot be adequately 100% sure that there would be enough water flowing through the pipes to get up into the California Road area if there were to be a major structure fire – he considers safety paramount, as does the Superintendent. Therefore, the cleaning, "rotor rootering," and cement lining of the pipes is something at which the Town has to take a close look. Councilman Diana said regarding the statement about taxes being collected on state-owned parcels in Town, Councilman Patel brought up a resolution that was unanimously passed and sent to the state to collect taxes on those parcels. The Board will find out what the status is of this resolution.

Councilwoman Roker said one of the things she wanted the public to see was a presentation by Department Heads to talk about the projects they have slated. She talked about the serious infrastructure problems in town buildings. If the Town Board decided to do all of the infrastructure projects that they need to do, there would be no more fund balance. She said she agreed with Ms. Siegel in putting together a one-year capital plan. The tax cap can be used as a sword or a shield – the idea that you do not raise the levy or charge any taxes is really difficult because it sets back next year's budget. Councilwoman Roker assured everyone that this budget is not a political budget. The Board talked to department heads and the Town Comptroller and there was a lot of back and forth among themselves. She spoke of the possible outsourcing of some of the Parks and Recreation maintenance (lawn service) to assist them in managing the enormous workload they have. The \$26 million fund balance that Mr. Roberts spoke of is a town-wide number. Funds cannot be mixed or combined from different sources or the Town would be in trouble.

Supervisor Gilbert and the Town Comptroller went through some of the ways the fund balance gets depleted within a very short amount of time – how it can be very high one month (as it was in December 2017) and the next month be millions less.

Councilwoman Roker said that the amount Mr. Roberts quoted for electricity was incorrect because this approximately \$72,000 is a town-wide expense. Mr. Roberts said it was still a huge increase and wanted to know why. A discussion took place among the Town Board, Town Comptroller, and Mr. Roberts comparing numbers from the last few years regarding the electricity budget.

Councilman Patel thanked the amount of residents who were present for the hearing. He thanked the Department Heads, as well. He stated that he always listens to the residents and then bases his decisions on what is best for the Town.

David Paganelli, Highway Superintendent, commended the Board for working in a non-partisan way to come up with a good budget. There were many difficult issues to consider.

Councilman Patel encouraged the public to attend the Town Board Meetings.

Councilwoman Roker said she does not want the public to think that this is a Board that does not want to give the residents a fluoridation program. There are numerous Water Department issues that need to be looked at first. She asked Distribution Superintendent Rundle how many water main breaks he has dealt with this year and was told by Mr. Rundle there were 42 water main breaks. He said the last capital project that was done in the department was 2004-2005. Councilwoman Roker said that years ago that project used to be done every year (cementing and cleaning the lines). Councilwoman Roker said they needed a generator but did not have any money for it. If the money for the grant fluoridation program was set aside for the program, the water department would not have the money. Ms. Siegel suggested taking \$400,000 from the Water District Fund Balance and that would satisfy the tax levy issue and give him the money to spend. Councilwoman Roker went on to talk about Refuse and Recycling who has been asking for a truck for 9 years and has always been told no. Ken Rundle went on to discuss the expenses the Water Department has, such as the backhoe they needed to purchase. Councilwoman Roker said that the County has put additional responsibilities on municipalities when there is a break. Supervisor Gilbert said that they have spoken about a modest water rate increase to help increase the Water Department's revenue.

Councilman Diana said that there was also a bond that has one more year, which the Town is putting money into so that they can keep the interest amounts down. Mr. Rundle said he appreciates that the Board seems to understand how expensive it is to operate a water district.

Supervisor Gilbert said that some very valid points were raised this evening and said that the Board should discuss these points before voting on the budget.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, public comment was closed.

Councilman Diana asked to have Departments Heads move into a closed session later in the evening to address some unfinished business.

Ms. Siegel asked about the revenue line and general fund questions she raised earlier in the evening. She wanted to know 1) why the projected revenue is so much lower than what the Town has had in the past; 2) why was the building permit revenue increased so much; and 3) what is the Town going to do about the collection bins? She also wanted to know why the sewer rent line is down and where is the money for the consultant?

Mr. John Landi, Building Inspector, said that he is trying to change some areas in the Building Department and one of those areas is the collection bin fee. He is considering instituting permits that will be attached to the collection bins so the Town knows which ones have paid and which ones have not. These are collection bins for clothing in places like malls and parking lots. The building permit revenue is increased in part because New York State has come out with many new laws that now require permits where permits were never needed before. Some of our fees are also increasing (i.e., fire inspections).

Councilwoman Roker said any new fees need to be announced at a board meeting so the public can be informed of increased fees.

Town Engineer Michael Quinn said the sewer rent is the same as what has been collected in previous years. The revenue is raised due to water usage. He plans to talk to the Board in the future about a slight increase in these rates. Councilwoman Roker reiterated that any increases need to be announced publicly.

Ms. Siegel's question regarding back taxes was addressed by Barbara Korsak, Receiver of Taxes. Ms. Korsak said she works with the Town Attorney to send letters to those with delinquent taxes. Supervisor Gilbert said that the Town is only allowed to work out a payment schedule for two years under the current law. Ms. Korsak stated that when they work out an agreement they have to put down 25% and stay current. People will pay under the agreement, but not stay current and are then back where they started. Supervisor Gilbert said maybe we can look for some legislation from the state that could be a relief for the Town.

Town Attorney Richard Abbate said he is working with Ms. Korsak on collecting some of the older outstanding taxes. He said that this should be done in a logical fashion but it takes time and money to start these in rem foreclosures. He would like to start back collecting on some of the larger amounts of money so that money can be used to fund others. Councilwoman Roker said you cannot go after anyone until they are delinquent two years. Ms. Korsak and Mr. Abbate explained the process of trying to collect this money and explained that it is lengthy and costly (approximately \$1,500 each).

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 Councilwoman Lachterman, seconded by Councilwoman Roker.

APPROVE BOND ACCEPTANCE AND AUTHORIZE BUILDING INSPECTOR TO ISSUE A TEMPORARY CERTIFICATE OF OCCUPANCY FOR 1775 DARBY STREET
RESOLUTION #428

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

WHEREAS, the building permit issued for the construction of a single-family residence at 1775 Darby is still open for the following reason: site work items not yet complete (final grading, drainage and storm water infrastructure).

The Applicant is requesting a temporary certificate of occupancy be issued. Applicant posted a \$20,000 cash bond to serve as a guarantee that all work on the approved engineering plans will be completed. Documentation for the bond and the steps to be followed was created by the Town Engineer and reviewed by the Town Attorney.

A temporary certificate of occupancy must be authorized by the Town Board. The steps necessary to issue a temporary certificate of occupancy are described in the Town Code Chapter 300-196 Paragraph B:

The Town Board may authorize the Building Inspector to issue a temporary certificate of occupancy for a part or all of a structure, upon a finding of good cause shown, for a period of 180 days, provided that all requirements for the development of said lot or site can be completed within said period. If an application for extension of the temporary certificate of occupancy is made prior to the expiration of the initial one-hundred-eighty-day period, the Building Inspector may, without further Town Board approval, extend the temporary certificate of occupancy for an additional 90 days.' Nothing herein shall preclude the Town Board from granting further extensions of a temporary certificate of occupancy within its discretion and upon good cause shown.

In the professional opinion of the Building Inspector, the issuance of a temporary certificate of occupancy is warranted based on the performance bond posted and the Applicant's inability to complete the project work to due to recent weather conditions.

NOW THEREFORE BE IT RESOLVED, the Building Inspector is authorized to issue a temporary certificate of occupancy to 1775 Darby Street for a period of 180 days.

Michael Beakes, resident of Darby Street, came before the Board to discuss the construction of the home at 1775 Darby Street. He disagrees with the reasons cited for the issuance of a temporary certificate of occupancy because of recent weather conditions. He said that it is not due to weather but actually due to the septic system and the expansion area for the septic system being part of a wetlands ecosystem that has been saturated since July and will remain saturated due to the hundred thousand gallons in the vernal pond uphill from the site. Mr. Beakes said the septic fields are already saturated with groundwater from the vernal pond. The required 100% expansion fields are also fully saturated and are 50% submerged. Mr. Beakes said the Town Engineer refuses to inspect the property. A failed septic system will affect not only the homeowner but all of the neighbors, as well. He is concerned the builder may put in a non-porous barrier that might block the groundwater, which might affect the integrity of the dam and possibly cause breaching of the dam. Mr. Beakes gave copies of photographs to the Board showing the saturated ground and submerged areas.

John Landi, Building Inspector, said he is before the Board to obtain a bond and a TCO (temporary certificate of occupancy) to protect the homeowner and the neighbors to ensure the work is done

properly and according to plans done by qualified engineers. He said that he, the Town Engineer, and the Department of Health have explained to Mr. Beakes that this is a Department of Health issue – the Town has no say in anything done in a septic system. This has been designed and reviewed by multiple engineers.

Councilwoman Roker asked if the Department of Health has signed off on this. Town Engineer Michael Quinn said the Department of Health gave permits to build the septic system. They did testing of the soil and passed. The property is adjacent to a wetlands but the Health Department allows that. The septic system was built under the direction of a licensed engineer. As far as the Health Department is concerned this system is ready to use. Mr. Quinn said that he told Mr. Beakes that when his department receives a resident complaint, they always investigate and will do so, if necessary, with the Health Department. The nature of Mr. Beakes' complaint was not something his department felt warranted Health Department referral. Mr. Quinn said that Mr. Beakes is also able to call the Health Department. Mr. Beakes said that testing was done during a drought situation and done under the assumption no wetlands existed and, therefore, nothing was done.

Mr. Landi said the County Health Department does go out to inspect when a septic system is being built. Testing will always show evidence of groundwater somewhere so a drought situation would not make a difference. What he is asking for tonight will well protect the residents, neighbors, and the homeowner.

Mr. Beakes said that if the Health Department knew the expansion field was completely underwater or even 50% underwater, this process would stop.

Mr. Landi stated that surface water does not indicate what is below ground and the percolation rate of 3 feet below ground. He said that just because you see water on the surface does not mean that the ground is saturated and will not accept it.

Supervisor Gilbert asked about the \$20,000 performance bond. Mr. Landi said the builder still has to put the grass and plantings in and other infrastructure the Town Engineer is requiring. He said that is why he will not give a CO, only a TCO, because he wants to ensure that no one can walk away from the project. Councilman Lachterman clarified that the estimated amount of work to be done is about half the amount of the performance bond. Mr. Quinn said, yes, the estimated amount of work is about \$10,000. If there are any issues, they will have the mechanism in place to rectify them.

Councilman Lachterman stated that he spoke briefly with the new homeowner and the builder. The builder is anxious to get the new homeowner into their home. They currently have four projects in Yorktown.

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

*Councilwoman Roker left the Board meeting prior to voting.

AUTHORIZE COMPTROLLER TO RELEASE STREET OPENING PERMIT #017-021 IN THE AMOUNT OF \$2,000 AND DRIVEWAY PERMIT #1219 IN THE AMOUNT OF \$500 - 1875 BROOKDALE STREET
RESOLUTION #429

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

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily, now

THEREFORE BE IT RESOLVED, that the Comptroller is hereby authorized to release Street Opening Permit #017-021 in the amount of \$2,000.00 and Driveway Permit #1219 in the amount of \$500.00 to Conte Homes, Inc. POB 142, Croton-on-Hudson, NY 10520 for work done at 1875 Brookdale Street.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH NIXLE COMMUNITY ALERT SYSTEM
RESOLUTION #430

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

RESOLVED, that the Supervisor is authorized to sign an agreement with Nixle for SMS Text Message, Email, Web messages, Facebook and Twitter notifications and Contact upload capabilities for a contract period of five-years at a cost of \$5,000 per year with a one-time set up fee of \$200.00. Contract commences on January 1, 2019.

Susan Siegel stated that Nixle is only an “opt in” system so only the people who are notified are those who chose to be notified. She asked how many residents have enrolled and Supervisor Gilbert told her that Chief Noble had told him that during the last storm approximately 12,000 residents received notifications. Ms. Siegel asked how many potential households are there and is there a system whereby the Town purchases the phone numbers of the households and notifies those on that list? If a household wishes to not participate, they would have to opt out. She feels that, in this way, more households would be reached.

Supervisor Gilbert said that not only is Nixle through text messages, but emails as well. They are increasing their notifications to web messages, Facebook, and Twitter. Ms. Siegel said that is only for those who choose to participate.

Councilman Lachterman stated that this is an educational issue to notify the public that Nixle exists. The Town needs to make a decision on this because it is the system that is in place and one that the Town does not want to lose. The Nixle service will stop very shortly. Other types of systems can be researched for the future.

Chief Noble came before the Board to offer his opinion on the agreement. He believed they had between 10,000 – 12,000 hits during the last storm. It is almost instantaneous delivery. Nixle told us about this with very little turnaround time – texting capability will be lost as of December 17th. The Police Department is getting a lot of information out there very quickly with the texting capability.

Highway Superintendent Dave Paganelli said that we have other neighboring communities asking us what system we use because this system is so effective. He stated how quickly the information gets out via the text messaging. Mr. Paganelli also said that at some point people have to take some responsibility in signing up for notifications.

Councilman Lachterman said that an education system can be worked on with various groups in Town (i.e., Yorktown Chamber, Rotary, Elks, Lions, etc.).

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

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board Meeting moved into Executive Session to discuss individual personnel issues, litigation, and negotiations and will adjourn thereafter.

ADJOURN

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

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