

Meeting of the Town Board, Town of Yorktown held on May 22, 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

EXECUTIVE SESSION

Upon motion made by Councilwoman Roker, seconded by Supervisor Gilbert, the Town Board moved into Executive Session to discuss personnel issues, litigation, and negotiations. Upon motion made by Councilwoman Roker, seconded by Supervisor Gilbert, the Town Board moved out of Executive Session and proceeded with the meeting.

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.

DURING REPORT FROM THE SUPERVISOR

Supervisor Gilbert spoke about ongoing issues relating to the past storm activity in Yorktown. He reported the water main break that was caused by Enbridge activity on Katrina Drive that affected three houses.

Supervisor Gilbert reported his attendance at an opioid-mental health round table discussion along with Congresswoman Nita Lowey. Supervisor Gilbert said that there is money to be had from the federal government for programs but it seems to be earmarked towards new programs and he urged them to consider re-funding for the Alliance for Safe Kids, a well-established organization in Yorktown.

Supervisor Gilbert congratulated resident Irving Breitbart who was recently honored for his service as NYS Commander of Jewish War Veterans. Councilman Lachterman attended the ceremony and presented a proclamation on behalf of the Town Board.

Supervisor Gilbert participated in the *Paint the Town Purple* event in support of Relay for Life's effort on behalf of cancer research and other programs.

Supervisor Gilbert attended a meeting of the local chapter of the Knights of Pytheas, a non-sectarian fraternal organization, who presented a \$1,000 donation to the Chapter 21 of the Military Order of the Purple Heart who supports the post-traumatic stress unit at the Montrose Veterans' Hospital.

Supervisor Gilbert attended the Westchester County Municipal Leaders dinner where the keynote speaker discussed the ramifications of Airbnb on local towns and the possible need for regulations and enactment of new laws.

Supervisor Gilbert attended the Chamber of Commerce's Annual Awards Dinner and presented award recipients with proclamations on behalf of the Town Board.

Supervisor Gilbert said that he would like to get ideas of how other communities provide services to their seniors. He intends to work with the Senior Advisory Committee and recently explored services offered by the Town of Mount Pleasant along with Noreen O'Driscoll, current Director of Senior Services & Nutrition Center, and Mary DeSilva, the former Director, and representatives of the Senior Advisory Committee.

Supervisor Gilbert reminded everyone of the Farm Day at Hilltop Hanover Farm on Saturday, June 2 from 10:00 a.m. to 4:00 p.m.

Supervisor Gilbert announced the Town will be holding a Holocaust Remembrance Ceremony on May 29.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana asked for everyone to remember those who lost lives and sustained damage to their homes during the last storm. He mentioned how hard hit Putnam County had been.

Councilwoman Roker announced that on May 23 the Yorktown Small Business Association is holding a seminar at Mercy College for small businesses or those contemplating opening a small business.

Councilman Patel urged residents to be careful when they are working outside due to the tick population and to use caution around areas that were hard hit during the storm. He also mentioned the need for the Town to purchase another generator.

Councilwoman Roker said that the Town is getting another generator and are just waiting for one more quote to come in.

Councilman Lachterman said he wanted to let people who live over at Montrose, Summit, and Edgewood Streets know that Con Edison is going to begin their work in that area. They are wrapping up their work (gas line replacement) by St. Patrick's Church on Moseman Avenue. He feels that the company is doing a better job of staying in contact with the residents to let them know what is happening. Councilman Lachterman congratulated Joe Riina (Site Design), Yorktown Athletic Club, and the Shrub Oak Athletic Club who were recognized by the Chamber of Commerce. He also congratulated police officers who received letters of thanks for their help and service to people travelling through the area. The Holocaust Remembrance Ceremony will be held next Tuesday at 7:00 p.m. Peter Somogyi, a survivor of Auschwitz, will be the speaker.

PRESENTATION

Police Chief Robert Noble conducted the annual awards ceremony. He presented awards to the following offices and related the details of the incidents that led to their awards:

Excellent Police Duty Award – Police Officer Michael Caprio
Police Officer Anthony DiPietrantonio
Police Officer Thomas Beyrer

Certificate of Commendation – Police Officer Gregory Palladino
Police Officer Max Ellsworth

Councilman Diana thanked the families of the officers who support them in their dedication to their jobs.

COURTESY OF THE FLOOR

The following members of the public spoke:

Sergio Esposito, Vice President of the Chamber of Commerce, came before the Board to mention the fundraiser baseball game to be held on June 23 at 5:00. There will be games, raffles, food, etc. They are raising money to sponsor sending local children with life-threatening diseases to camp in the Catskills. It costs \$2,500 per family, and last year they were able to send 4 children from local families.

Maura Gregory, resident, said that she supports the resolution on the agenda authorizing the Supervisor to sign an intermunicipal agreement with Westchester County for undertaking a Community Development Program. She also urges the referral of the proposed amendment to the tree local law. Ms. Gregory asked for the status of the loop system for the board room for those who are hearing impaired. Town Clerk Diana Quast said that she just received quotes from the electrician to do the work and the Town can now order the system and have it installed.

Dan Ciarcia, Ciarcia Engineering representing Unicorn Contracting who is the applicant constructing an office building on the former site of Murphy's Restaurant, asked if the Board would consider putting forth a resolution that would allow Unicorn to sign an application form so they can go the Health Department regarding the sewer connection that is needed. In order to keep moving forward, he asked that they advertise for a public hearing for the sewer project and/or issue the resolution so they can advance their application with the Health Department.

Paul Moskowitz, resident and member of the Open Space Committee, spoke about the alienation of parkland resolution on the agenda. He stated, under NYS procedures, before alienation of parkland can take place, the property needs to undergo an assessment and a swapping of property take place or the payment received needs to go into the open space fund.

Jay Kopstein, resident, asked the Board to do something about taxes that have not been collected. He asked if it was possible for a lien to be placed on a piece of property so that at the closing the town attorney could collect what is due to the Town. He also cautioned the Board about entering into the Community Development Program and to make sure what strings may be attached to such an agreement.

Susan Siegel, resident, spoke about the Community Development Program/CDBG grant and said if the Board was going to respond to Mr. Kopstein's remarks, they should talk about projects that were over \$1 million that the Town has received and benefitted from over the years and what the Town is likely to request from the Consortium.

Tony Grasso, resident, referred to a reference Ms. Siegel had written by saying that at closing, he believed a check is made out for back taxes. Does the town really want to throw people out of their homes? Why can't the Board go back to bring people in so that they can work with them to resolve their tax problems (i.e., smaller payments)? He also stated that he understood Courtesy of the Floor was not for items on the agenda.

Susan Siegel, resident, stated that Mr. Grasso was referring to her Op Ed piece in the local newspaper. She said her intent is not to throw people out of their homes. She suggested to simply write a letter to the taxpayer to let them know they are behind and the delay will cost them more money. She spoke of the Town's installment plan that is available. Attention should be paid to those properties on which the Town will never collect payment. She said that right now there are applications before the Planning Board from applicants who owe taxes to the Town and asked why the Town would spend time supporting projects from applicants who owe us money.

Supervisor Gilbert stated that the Board will examine "all the tools in the toolbox" when dealing with delinquent taxes.

Ken Belfer, resident and representative of the Housing Board, stated that he thought Courtesy of the Floor was for items on the agenda, but not for issues raised scheduled for a public hearing.

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

APPROVE SOLE ASSESSOR TO ATTEND THE NEW YORK STATE ASSESSOR'S ASSOCIATION SEMINAR
RESOLUTION #159

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

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

THEREFORE BE IT RESOLVED, that Kim Adams Penner, Sole Assessor, has permission to attend the NYSAA Seminar to be held at Cornell, Ithaca, NY from July 16 through July 20, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A REVOCABLE LICENSE WITH ROBERT DEROSSO FOR USE OF POWER AT JACK DEVITO VETERANS MEMORIAL FIELD

RESOLUTION #160

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

RESOLVED, that the Supervisor is authorized to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck authorizing Licensee to enter upon a portion of the Town Property near the Gazebo located at the Jack DeVito Veterans Memorial Field, for the purpose of connecting a power cord to the electrical service located at the Gazebo on the Town property to supply electricity to the Licensee's Property for the amount of FIFTY (\$50.00) per month. This Revocable License shall be for a period commencing immediately and ending on April 30, 2019.

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

AUTHORIZE SUPERVISOR TO SIGN AN ENCROACHMENT PERMIT ON BEHALF OF TOWN OF YORKTOWN

RESOLUTION #161

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

BE IT RESOLVED, AT&T hereby allows and permits The Town of Yorktown "Permittee" the non-exclusive use of certain lands for the following purpose, subject to the conditions and stipulations set forth in the Encroachment Permit: To allow for and to accommodate the construction of a walking trail, pedestrian bridges and leveling off a mound of dirt between Marker 542 and Commerce St. and Marker 547 at Baldwin Rd. in the Town of Yorktown along the old railroad corridor, now

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Encroachment Permit on behalf of The Town of Yorktown.

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

AUTHORIZE COMPTROLLER TO PAY MCKEE RISK MANAGEMENT, INC. FOR LIABILITY DEDUCTIBLE DUE TO WATER MAIN BREAK

RESOLUTION #162

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to pay McKee Risk Management, Inc. \$8,730.00 from account A1420.443 (Legal Settlements) for the liability deductible for damages done to Denise Gavin's property on October 4, 2017 due to a water main break.

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

APPROVE TOWN CLERK TO ATTEND THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ASSOCIATION TRAINING CONFERENCE

RESOLUTION #163

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

WHEREAS, sufficient funds exist in the Town Clerk's Training line to cover the cost of conference expenses, now

THEREFORE BE IT RESOLVED, that the Town Clerk Diana L. Quast is approved to attend the 2018 International Institute of Municipal Clerks Training Conference at the Rockefeller Institute of Government, Albany, New York from July 15 through July 18, 2018.

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

ADVERTISE PUBLIC HEARING FOR WETLAND PERMIT APPLICATION RECEIVED FROM CON EDISON GOMER STREET

RESOLUTION #164

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

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from Con Edison for work to be done along Gomer Street between Homestead Road and Granite Springs Road. The proposed work is to replace and upgrade an 8-inch pressure steel gas main with a 16-inch high pressure steel gas and 8-inch polyethylene gas main. Limited work is also planned for local side street. Related ancillary equipment installation will also be included.

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

ADVERTISE PUBLIC HEARING FOR WETLAND PERMIT APPLICATION RECEIVED FROM MOHEGAN LAKE IMPROVEMENT DISTRICT
RESOLUTION #165

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

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, June 5, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland Permit Application received from the Mohegan Lake Improvement District for work to be done at Mohegan Lake. The request is to perform the following work: to maintain and improve the lake environment for the homes, 7 beaches, and Town parkland. Such work may include fish stocking, aeration, weed harvesting, garbage cleanup, maintenance of aeration sheds/equipment, maintenance of areas to access the lake, removal of invasive species, and chemical treatments to control harmful algal blooms and the toxins they produce.

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

AUTHORIZE ENACTMENT OF A PARKLAND ALIENATION BILL REQUIRED BY THE NEW YORK STATE LEGISLATURE
RESOLUTION #166

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

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen ("Parcel") constituting 5.73 acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11;

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland;

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity.

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be an Unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of May 15, 2018 in support and passage of Assembly Bill 10453 and Senate Bill 7118,

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and Assembly.

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

AUTHORIZE SUPERVISOR TO SIGN A FIRST AMENDMENT AGREEMENT FOR LIVE-STREAMING TOWN BOARD MEETINGS

RESOLUTION #167

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

RESOLVED, the Supervisor is authorized to sign a First Amendment agreement with Granicus, Inc. and the Town of Yorktown for live-streaming Town Board meetings which amends the expiration date of the contract to March 31, 2019.

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

AUTHORIZE THE TOWN COMPTROLLER TO DO BUDGET TRANSFER TO MOHEGAN BEACH PARK DISTRICT TO DISBURSE PAYMENT FOR TREE REMOVAL AND SAND PURCHASE

RESOLUTION #168

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

BE IT RESOLVED that the Town Board authorizes the following 2018 Budget Transfer for the Mohegan Beach Park District to disburse payment for work to be performed for tree removal and sand purchase.

From:		
MB.909	Fund Balance	\$15,925.00
To:		
MB7180.416	Maintenance & Repair	\$15,925.00

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

AUTHORIZE THE TOWN COMPTROLLER TO DO BUDGET TRANSFER TO AMAZON BEACH PARK DISTRICT TO PAY FOR TREE REMOVAL SERVICES

RESOLUTION #169

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

BE IT RESOLVED that the Town Board authorizes the following 2018 Budget Transfer for the Amazon Beach Park District to disburse payment for tree removal:

From:

AP.909 Fund Balance \$2,800.00

To:
AP7180.416 Property Maintenance \$2,800.00

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

AUTHORIZE THE TOWN COMPTROLLER TO PAY OUT CASH VALUE OF UNUSED TIME FOR SHAJAN GEORGE AND TO DO BUDGET TRANSFER FOR THIS PAYOUT RESOLUTION #170

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Shajan George the cash value of unused time as of his retirement date:

Rate of Pay:	\$27.006		
Sick	67.085 hours @ 50%	=	33.55 hours
	33.55 hours x \$27.006	=	\$ 906.05
Vacation	172.50 hours x \$27.006	=	\$4,658.54
Personal Days	9.25 hours x \$39.4973	=	\$ 249.81
Longevity			
	\$1,600 / 260 days = \$6.15 per day		
	01/07/18 to 04/27/18 = 80 days		
	80 days x \$6.15	=	\$ 492.00
		Total	\$6,306.40

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

From:		
SW909.8	Water Fund Reserve for Employee Accrued Benefits	\$ 906.05
SW8340.101	Water Salary	\$ 4,908.35
SW8340.106	Water Longevity	\$ 492.00

To:		
SW8340.108	Water Lump Sum Payments	\$6,306.40

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

AUTHORIZE TOWN COMPTROLLER TO DO BUDGET TRANSFER FOR PAYMENT TO KJM CONSTRUCTION - ENGINEERING SPECIAL PROJECTS – LOWE’S RESOLUTION #171

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

BE IT RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer to process payments to the KJM Construction for field inspection services to be performed at 3200 Crompond Road, Yorktown Heights the site of the Lowe’s Project:

From:		
A1990.490	Contingency	\$5,000.00

To:		
A1440.479.2	Engineering Special Projects – Lowe’s	\$5,000.00

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

AUTHORIZE TOWN COMPTROLLER TO MAKE BUDGET TRANSFER FOR EMERGENCY GENERATOR RENTAL FROM H.O. PENN RESOLUTION #172

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

1. Transfer \$78,000 into YS.8130.414 Rental Equipment: for an additional four (4) months of an emergency generator rental from H.O. Penn. During the storm, the emergency generator at the treatment plant/microfiltration plant failed and a standby source of power was needed to prevent a catastrophic failure of the treatment system.

Note #1: The Department is still assessing the damage done to the Town generator and we will need to either perform a major repair or equipment replacement. Since the cost of repair/replacement is not known at this time, we will likely need to request further funding for this work at a later date (once the full scope of work is known).

Note #2: All costs associated with the emergency generator are billable to NYCDEP under our O&M agreement.

2. Transfer \$40,000 into YS.8130.460.2 Sludge Removal: for Fred Cook Inc. to provide standby and sludge hauling services while pump stations lacked power. We have an existing agreement with Fred Cook, however there are insufficient funds available to pay for this work.
3. Transfer \$15,000 into YS.8130.462 Maintenance & Repair Pump Station: we need to restock spare parts that were needed to keep our pumps, controls and related equipment systems operating during the storms.
4. Transfer \$12,000 into YS.8130.408 Fuel Oil: for additional fuel oil needed to run emergency generators at the treatment plant and pump stations continuously throughout the power outages.
5. Transfer \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration: for additional fuel oil needed to run emergency generators at the treatment plant microfiltration building continuously throughout the power outages. Note: billable to NYCDEP under our O&M agreement
6. Transfer \$3,000 into YS.8130.409 Propane: for additional fuel purchased from Paraco Gas to keep the sludge digesters in continuous operation through the storm.

RESOLVED, the Town Comptroller is authorized to transfer \$156,000 from Sewer Fund- Fund Balance to the below listed accounts for the purpose of paying additional costs incurred as a result of the storms and resulting power outages that occurred during the week of 3/1/18:

- \$78,000 into YS.8130.414 Rental Equipment
- \$40,000 into YS.8130.460.2 Sludge Removal
- \$15,000 into YS.8130.462 Maintenance & Repair Pump Station
- \$12,000 into YS.8130.408 Fuel Oil
- \$8,000 into YS.8130.408.2 Fuel Oil DEP/Microfiltration
- \$3,000 into YS.8130.409 Propane

A resolution on the agenda to award the rehabilitation of the pump stations bid for the Walden Woods, Jefferson Valley, and Jefferson Park Pump Stations will be amended to exclude the rehabilitation of the Jefferson Park Pump Station and presented at a future Town Board Meeting.

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

APPROVE HIGHWAY SUPERINTENDENT TO ATTEND HIGHWAY SCHOOL TRAINING CONFERENCE RESOLUTION #173

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

WHEREAS, sufficient funds exist in the Highway Fund to cover the cost of Highway School and lodging expenses, now

THEREFORE BE IT RESOLVED that Dave Paganelli, Highway Superintendent, has permission to attend the New York State Highway School Training Conference to be held at Cornell University, Ithaca, NY from June 2, through June 5, 2018.

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

EXTEND BID FOR JOHN DEERE CONSTRUCTION EQUIPMENT OEM PARTS AND THE CUMMINS ENGINE OEM PARTS
RESOLUTION #174

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

WHEREAS, invitation to bid for the John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 22, 2015,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the John Deere Construction Equipment OEM Parts and the Cummins Engine OEM Parts for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be June 22, 2018 to June 21, 2019.

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

AUTHORIZE THE HIGHWAY SUPERINTENDENT TO ERECT SIGNS ON TOWN ROADS DIRECTING PEOPLE TO TOWN PARKS & TRAILS
RESOLUTION #175

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

RESOLVED, the Highway Superintendent is authorized to erect signs on Town roads that will direct people to the Town's parks and trails.

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

AUTHORIZE COMPTROLLER TO REFUND AN OVERPAYMENT TO WATER ACCOUNT NUMBER 43-10300144
RESOLUTION #176

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

RESOLVED, that the Comptroller is authorized to refund an overpayment in the amount of \$475.00 to Account Number 43-10300144.

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

AUTHORIZE SUPERVISOR TO SIGN A FIRST AMENDMENT AGREEMENT FOR CONCESSION LICENSE – VALLEY FIELD GOLF COURSE
RESOLUTION #177

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

RESOLVED, the Supervisor is authorized to sign a First Amendment agreement with the RC Corporation for the Concession License for the Valley Field Golf Course.

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

AUTHORIZE SUPERVISOR TO SIGN A CONCESSION LICENSE AGREEMENT WITH O'NEILL'S CONCESSIONS TO PROVIDE FOOD AND REFRESHMENT SERVICES AT THE YORKTOWN POOLS
RESOLUTION #178

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

RESOLVED, that the Supervisor is authorized to sign a Concession License Agreement with O'Neill's Concessions to provide food and refreshment services at the Town of Yorktown's pools located on Edgewater Street, Yorktown Heights (Junior Lake Pool) and Sunnyside Street, Shrub Oak (Brian J. Slavin Aquatic Center).

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

AUTHORIZE POLICE DEPARTMENT TO PURCHASE ONE 2018 FORD SEDAN POLICE INTERCEPTOR
RESOLUTION #179

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

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of a third new police vehicle in the Police Department's 2018 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bid for the purchase of a 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, NYE Automotive Group, Inc., of Oneida, New York has submitted the lowest bid for the 2018 Ford Sedan Police Interceptor; and

WHEREAS, the State of New York Office of General Services has awarded contract #PC67318 to the lowest bidder, NYE Automotive Group, Inc; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) 2018 Ford Sedan Police Interceptor from the State of New York Office of General Services contract #PC67318 from NYE Automotive Group, Inc. in the amount of approximately twenty five thousand nine hundred and forty seven dollars (\$25,947.00).

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

AUTHORIZE THE TOWN COMPTROLLER TO REFUND DUPLICATE TAX PAYMENTS:
RESOLUTION #180

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

<u>Account #</u>	<u>Amount</u>
1923000	\$3,929.82
1421065	\$1,652.89
2035000	\$3,040.59
0785520	\$4,728.63
3814000	\$3,506.43
2683565	\$5,217.30

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

AUTHORIZE COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFER
RESOLUTION #181

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$20,000 from the Water Department GIS line (SW.8340.0483.0004) to the Water Department Computer Support/Software (SW.8340.0421.0001) for professional engineering services to be provided by Woodard & Curran for the development and implementation of a computerized (web-based) work order management system.

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

ADVERTISE FOR PUBLIC HEARING FOR KEAR STREET SEWER CONNECTION
RESOLUTION #182

Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker,

RESOLVED, the Town Clerk is hereby authorized to advertise for a public hearing regarding a Town sewer extension for the Kear/Underhill Retail-Office Development project.

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

AUTHORIZE SUPERVISOR TO SIGN LETTER OF AUTHORIZATION FOR THE KEAR/UNDERHILL RETAIL-OFFICE DEVELOPMENT PROJECT
RESOLUTION #183

Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker,

BE IT RESOLVED, that the Supervisor is authorized to sign a Letter of Authorization for the Kear/Underhill Retail-Office Development project that will authorize the Applicant's Project Engineer Dan Ciarcia to submit engineering plans and associated application documents for a Town sewer extension to the appropriate regulatory authorities.

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

Councilman Diana presented a resolution regarding support for legislation to protect our teachers and students from school violence and will be sent to the NYS Senate and Assembly.

RESOLUTION IN SUPPORT OF LEGISLATION TO PROTECT OUR TEACHERS AND STUDENTS FROM SCHOOL VIOLENCE
RESOLUTION #184

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

WHEREAS, the Town of Yorktown recognizes that protecting our children while they are in our schools is a paramount concern;

WHEREAS, New York State Senator Terrence Murphy has introduced Senate Bill S7813A which defines school shootings as terrorism and codifies operations of the New York State Intelligence Center vastly improving the methods of gathering of intelligence which will aid in the collection, analysis, dissemination, sharing, and maintenance of intelligence information that will assist in protecting schools, teachers, and students against such attacks;

WHEREAS, Senate Bill S7813A enables law enforcement to charge an individual with committing an act of terrorism if they knowingly and unlawfully discharge a firearm within 1,000 feet of a school, place of worship, a mass gathering of 25 people or more or a business;

WHEREAS, New York State Senator Patrick Gallivan sponsored Senate Bills S7811A and S7810A expanded the definition of the "School Resource Office" to include a retired police officer, a retired deputy sheriff, or retired state trooper, or an active duty police officer, deputy sheriff, or state trooper;

WHEREAS, Senate Bills S7810A and S7811A would authorize school districts throughout New York State to receive state funding to hire such School Resource Officers or contract within the state, county, city, town, or village for their services to provide improved public safety and/or security in school grounds and be authorized to carry and possess firearms during the course of their duties if licensed to do so;

THEREFORE, BE IT RESOLVED that the Town Board, in a further effort to protect our children while in schools and the people who dedicate their careers to teaching our children, supports Senate Bills S7810A, S7811A, and S7813A and urge their passage and enactment as expeditiously as possible.

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

John Tegeder, Director of Planning, came before the Board to discuss entering into an intermunicipal agreement with Westchester County that makes the participating municipalities (Urban County Consortium) eligible for CDBG grants. This gives the county and the participating communities some latitude in setting their own recommended programs for the use of the money. He said that if you opt out of the agreement, you can still go to the State for grants but will follow different guidelines. Yorktown did participate up until about 3-4 years ago and had probably received approximately more than \$2 million in grant money. Five years ago, the Consortium was dissolved over a problem with HUD. You have to adopt a model ordinance (affordable housing ordinance). He said that in order to adopt an affordable housing ordinance, it has to be an open market (you cannot have housing preferences), and the county gets right of first refusal for in rem properties that the Town will foreclose on; however, he believes they have never taken one in Yorktown. There are all matching grant programs (30% to 50% matching) and are often infrastructure projects that go out to bid.

Councilwoman Roker stated that she objected to the former board rescinding the Affordable Housing Law. The Town of Yorktown was one of the model communities because we had so many properties under accessory apartments. The only concern she has is the right of first refusal on our in rem properties.

Supervisor Gilbert asked if there was a deadline for this and was told June 1. He wanted to make sure that by signing the resolution, it only puts us in "ballgame" and not force us to apply for grants. Mr. Tegeder stated that you are not obligated to do anything but attend monthly meetings.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM
RESOLUTION #185

Upon motion made by Councilwoman Roker, seconded by Supervisor Gilbert,

RESOLVED, that Town Supervisor be and hereby is authorized to execute a 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 Voting Aye. Diana, Lachterman Voting Nay.
Resolution adopted.

John Tegeder said there is no obligation or requirement to provide, produce, or manage affordable housing as a participant in the Consortium. He suggests the Board sign the resolution so that they get into the program at the very least. It is a good fit for Yorktown.

Councilwoman Roker asked how eligible areas are determined and Mr. Tegeder said the areas are census blocks and are monitored and surveyed by the a group that is an arm of the US Census. All of the blocks throughout the country fall out 51% or more that are 80% or more below the medium income level. These change along with responses from income surveys.

Supervisor Gilbert brought up the resolution for the pump station rehabilitation bid award. Schedule E should be removed from the resolution. Town Engineer Michael Quinn said there was a resolution in March to request the county to take 37 parcels. Bond counsel will be consulted for the 37 properties in Schedule E. He recommended awarding the bid for the base bid.

RESOLUTION TO AWARD PUMP STATION REHABILITATION BID (REMOVING JEFFERSON PARK/SCHEDULE E)
RESOLUTION #186

Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker,

WHEREAS, an invitation to bid for the Pump Station Upgrade Program - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations was duly advertised, and

WHEREAS, said bids were received and opened on March 6, 2018, with the total bid amounts outlined below:

For Contract No. 1, General Construction Contract, bids were received from five (5) firms:

Bidder	Schedule A: Lump Sum	Schedule F: Allowances	Total Bid Amount
Kings Capital Construction, Inc	\$1,520,000	\$30,000	\$1,550,000
Eventus Construction Co.	\$1,764,500	\$30,000	\$1,794,500
ELQ Industries, Inc.	\$1,845,000	\$30,000	\$1,875,000
Arben Group, Inc.	\$2,043,000	\$30,000	\$2,073,000
Mace Contracting Corporation	\$1,891,000	\$30,000	\$1,921,000

For Contract No. 2, Electrical Contract, bids were received from two (2) firms:

Bidder	Schedule A: Lump Sum	Schedule F: Allowances	Total Bid Amount
Acorn Electrical Contracting	\$308,026	0	\$308,026
RLJ Electrical Corporation	\$459,000	0	\$459,000

NOW, THEREFORE BE IT RESOLVED, that upon the recommendation of the Town Engineer and the Town’s Engineering Consultant that prepared the contract documents, GHD Consulting Services Inc., the bid for Pump Station Upgrade Program—Walden Woods and Jefferson Valley Pump Stations be awarded as follows: General Construction Contract No. 1 be awarded to Kings Capital Construction, Inc, the low bidder at a total bid price of \$1,550,000 and the Electrical Contact No. 2 be awarded to Acorn Electrical Contracting, the low bidder at a total bid price of \$308,026.00.

BE IT FURTHER RESOLVED, that the contract is to commence when the Town issues a Notice of Award and the contract completion date shall be 365 calendar days from the Notice of Award date.

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

Town Attorney Richard Abbate responded to Mr. Moskowitz regarding parkland alienation. He stated that the Legislature likes to see a swap of land but it is not an absolute requirement. Some amount of money will be paid that can be placed into an open space fund, but that amount has not been determined.

COURTESY OF THE FLOOR

The following members of the public spoke:

Ed Ciffone, resident and representative of United Taxpayers of Yorktown, raised the issue of how many school resource officers (SROs) are assigned to the schools. He feels that police officers should not be assigned to these positions. He also raised the issues of high gasoline prices and the collection of unpaid taxes. He stated that affordable housing is a drain on the community and raises taxes.

Jay Kopstein, resident, said that 7 properties that are in the process of being sold were sold for less than half of their previously assessed value under a HUD agreement. Taxes under these programs are based on a reduced assessment.

Susan Siegel, resident, asked if the board has had discussions with the Lakeland School District regarding the hiring of these officers. Regarding the Jefferson Park Pump Station, she asked what costs will residents of Hallocks Mill pay?

Councilwoman Roker said that the Town may do a separate meeting on sewers because it is a complicated process and those residents affected by the project need to understand it.

Councilman Diana clarified that there is only one school on this side of town with an SRO and that is Lakeland High School. The Town also has Copper Beech Middle School and that officer is shared with the Town of Cortlandt, the Town of Yorktown, and the Lakeland School District.

WORK SESSION

The Town Board moved into a work session meeting:

Michael Quinn, Town Engineer, said he was bringing a resolution for consideration to authorize the transfer of \$27,000 from the General Fund Fund Balance into the Engineering Budget. He wanted to make clear that these funds were in the 2017 budget but not spent. Councilwoman Roker said that once money is allocated to you, whether you spend it in a particular year or not, that is what you should get. Councilman Patel said that the money does not get rolled into the new budget, therefore he should get it. Councilwoman Roker said that the Town Comptroller is supposed to be notified of monies that will need to stretch over into another budget year.

AUTHORIZE TOWN COMPTROLLER TO MAKE BUDGET TRANSFER FROM GENERAL FUND FUND BALANCE INTO ENGINEERING BUDGET RESOLUTION #187

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

RESOLVED, the Town Comptroller is authorized to transfer \$27,115 from General Fund – Fund Balance to the below listed accounts:

- \$10,470 into Cost Code A.1440.479 Special Projects
- \$10,870 into Cost Code A.1440.490.1 Professional Services – Environmental Consulting/Wetlands
- \$5775 into Cost Code A.1440.490.2 Professional Services – Stormwater

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

SERITAGE – JEFFERSON VALLEY MALL

Ralph Castelli, Architect – HBC Architects, came before the Board regarding the Sears Anchor Building at the mall. The site plan was approved and they would now like to amend the site plan based on some improvements and changes they would like to make to the plan regarding the merchandise pickup area - dedicating six parking spots to merchandise pickup would be an impact to some of the parking spaces. They would also like to change the loading on the upper level – the trash compactor will now be on the lower level. A ramp and landing will be added to the upper area. Nine parking spaces will be lost but they are still within their limits, there is no loss of trees or landscaping with these changes. Planning Director John Tegeder said he will present a resolution for the next board meeting.

PROPOSED LOCAL LAW TO AMEND CHAPTER 270 “TREES”

The Town Board had previously asked the Town Attorney to draft a law for review; one that is not too onerous, as requested by Supervisor Gilbert. He does not want to be bogged down in minutia.

Councilman Lachterman would like to review the draft, redline it, and come back for discussion at another work session. John Tegeder cautioned that you do not want too many drafts going out and coming back, going out again, etc. He suggested that other department heads and staff get involved for their input.

Susan Siegel, representative of Advocates for a Better Yorktown, said the group gave a general overview of their suggestions in March at the Board's request and gave a detailed comparison of the 2016 law with their proposed law. Member Linda Miller came to the April 10 work session to ask the Board to decide and the consensus was clear that what was produced would then be referred out. Ms. Siegel disputed the Boards decisions from prior work sessions in moving this law forward. Supervisor Gilbert stated the Board will now go through the referral process. Ms. Siegel thanked the Board for looking at their proposal but they are concerned because they assumed their proposal and the proposed law were already referred out, as she stated she had been led to believe.

Councilwoman Roker said that she does not want people to feel that additional burden is being placed on them regarding the removal of trees (i.e., needing an arborist to determine dead trees).

Paul Moskowitz, also a member of ABY, clarified the above point in terms of their proposal.

Linda Miller, ABY, asked the Town Board to please contact them if they have any questions regarding their proposal. Many things could be cleared up in this manner and not delay the process.

A public hearing date was discussed for the Kear-Underhill sewer connection project.

ADJOURN

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

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