

Meeting of the Town Board, Town of Yorktown held on Tuesday, December 11, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Absent: Alice E. Roker, Deputy Supervisor

Also Present: Diana L. Quast, Town Clerk
Richard 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 Patel, the Town Board moved into Executive Session to discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

APPOINT MICHAEL VUOSO AS PERMANENT POLICE OFFICER

RESOLUTION #431

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

BE IT RESOLVED, that Michael T. Vuoso of Yorktown Heights, New York is hereby appointed permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective December 12, 2018 to be paid the contractual salary of \$55,193.00 annually,

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

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

GRADE CHANGE FOR THE POSITION OF STAFF ASSISTANT LIBRARIAN

RESOLUTION #432

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

BE IT RESOLVED that effective January 1, 2019 the position of Staff Assistant Librarian be moved from Grade 10, Step 5 of the CSEA Pay Scale as stipulated in the Agreement by and between the Town of Yorktown and CSEA, Local 1000 AFSCME, AFL-CIO January 1, 2016 to December 31, 2019 to Grade 14, Step 1.

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

**See December 18, 2018 Town Board Meeting Minutes – Resolution was rescinded by Town Board.

APPOINTMENT OF CHIEF COURT CLERK AND DEPUTY COURT CLERK

RESOLUTION #433

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

BE IT RESOLVED, Maria Ricci, is appointed to the full-time position of Chief Court Clerk, Civil Service Job Class Code 0046-03, to serve at the pleasure of the Town Justices, effective January 1st, 2019, to be paid annually in the amount of \$86,675.00.

BE IT RESOLVED, Isabel Klein, is appointed to the full-time position of Deputy Court Clerk, Civil Service Job Class Code 0046-03, to serve at the pleasure of the Town Justices, effective January 1st, 2019, to be paid annually in the amount of \$75,169.00.

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

Councilman Diana reminded the public to vote for their Fire Commissioner. Both Yorktown and Mohegan Lake are holding elections today until 9:00 p.m.

Supervisor Gilbert announced per Karren Perez, Section 8 Program Director, that the Dutchess County Section 8 Office is accepting applications through December 31, 2018. This opportunity is time sensitive.

PROPOSED CHANGES TO TOWN CODE AND COLLECTION OF SEWER O & M REVENUE

Town Engineer Michael Quinn came before the Board to discuss increasing the sewer O&M revenue. He asked for a public hearing to be scheduled. Town Clerk Diana Quast stated that it is not yet in local law format and needs to be given to the Board Members at least seven days prior to a public hearing. Mr. Quinn said he did work with the Town Attorney, Richard Abbate, on the local law. He said the sewer code was written in 1982 and has not been updated since. He said there are a couple of changes he would like to see made to the code. Definition changes needed to be made to references and things that no longer apply. The bigger change is to the way we charge sewer rent. The Town has two sewer districts: first, there is the Hallocks Mill Sewer District in which the Town owns the sewers. Wastewater gets conveyed to the Yorktown Treatment Plant which is owned and operated by the Town of Yorktown. Second is the Westchester County/Peekskill Sewer District in which the Town owns the collection system – the pipes in the ground. Those pipes get conveyed to Westchester County owned manholes and pump station and then the County takes that wastewater to Peekskill for treatment and disposal. If you are in the Hallocks Mill Sewer District, you pay a sewer tax if you are connected to the sewers. It is a flat fee based on a unit charge; the cost for a single-family residential property connected to the Hallocks Mill is \$584 in 2018 (\$600). On top of that cost, there is a charge for a sewer rent based on your usage. On the water bills a resident receives from Consolidated Water, there is a charge for sewer use that is based on how many gallons of water you used in that billing period. Currently, the rate for someone in Hallocks Mill is \$1.20 per 1,000 gallons used. An average home uses 220 gallons per day; in a year a single-family residential property would use approximately 80,000 gallons of water. At the \$1.20 per thousand gallons, it would cost approximately \$100 per year. The Town collects this money that goes into a sewer fund which the Town uses for the operation and maintenance of our collection system. He is proposing to increase this rate to \$1.90 per thousand. In the mentioned example, the increase would be approximately \$155 per parcel. This is based on actual water usage; there is a minimum charge of approximately \$60 per year.

The Westchester County/Peekskill Sewer District is more complicated in that it has many different billing structures. Mr. Quinn stated he feels that it would be fairer to charge everyone uniformly. The sewer tax that parcels pay in the Peekskill Sewer District for a single-family residential property is roughly \$300 that is half the cost of the Hallocks Mill Sewer District. The reason for this discrepancy is that prior administrations decided to charge only those parcels that are connected to the sewers. In the Hallocks Mill Sewer District there are parcels not connected to the sewers and do not pay the sewer tax or sewer rent. In the Peekskill Sewer District, everyone has to pay whether or not they are connected to the sewers. The parcels in the county district that are connected pay a sewer rent charge and it depends where in the county district you are located. The areas that are paying for based on water usage are paying \$1.50 per 1,000 gallons. Mr. Quinn is proposing a uniform rate of \$1.90 per thousand gallons. Example: for someone in the County District that is currently paying \$1.50 per 1,000 gallons (using the average of 80,000 gallons per year), they are paying approximately \$123 per year and they will also be paying \$155 per year under this new proposed code change.

Supervisor Gilbert said our code allows us to examine this every year. Mr. Quinn concurred, citing the Town Code. To his knowledge, this has never been looked at. Mr. Quinn said the Town currently raises approximately \$525,000 per year from the sewer use charges. He said the way we have our budget set up, we can pick out the items that are specific to running the operation and maintenance of the collection. We do not necessarily want to run the plant with those funds because that is what we use the Hallocks Mill sewer funds for. Based on the 2018 actual cost that we spent, we are spending approximately \$750,000 for operation and maintenance of our collection system. We have a shortfall of about \$250,000. Mr. Quinn said he is hoping to reduce

this shortfall with the increase in rates. He said we are doing more required work on our collection system that has increased costs.

Mr. Quinn said there are also parcels that pay a flat fee (unit price) of \$15.00 that was set in 1982. These parcels will have a significant increase. Councilman Lachterman asked how many homes would be affected and Councilman Diana asked if any businesses would be affected. Mr. Quinn stated that yes, some businesses would be affected and about 2,600 parcels are paying this \$15 flat fee. Parcels in the County Sewer District total 6,000. There are 5,200 parcels in the Hallocks Mill District with 3,800 connected. Supervisor Gilbert asked if there were some way to make the increase gradual so that it would lessen the “sticker shock” of the increase since it has not been increased since 1982. A discussion ensued among the Board regarding the increase and how it would affect the residents.

The next step would be to schedule a public hearing where Mr. Quinn would explain the increase to the public. Town Clerk Diana Quast stated that this would also need to be referred out and should be placed on the next agenda for referral. It was suggested that a notice could be placed in upcoming water bills that this is pending. Distribution Superintendent of Water, Ken Rundle, said the only issue with this is that his department bills in sections and not everyone will receive the notice. He said he would work with Northern Westchester Joint Water Works to see what could be done.

CLEAN ENERGY COLLECTIVE - SOLAR LAW

Ms. Kathy Haake, from the Clean Energy Collective, and Planning Director John Tegeder, came before the Board to talk about the prospective Solar Law. Ms. Haake requested that the proposed Solar Law move forward independent of the proposed Tree Law since that is a much more complicated law. They have come before the Board at least 15 months ago and would like to see it proceed. They have been working in good faith with the Board, produced a couple of different versions of their plan which were shared with the Town Board and the Planning Board to see what works for the Town. They have spent about \$60,000 moving forward with studies, due diligence, and engineering as well as working with utility companies. They have completed the utility companies’ studies and they are now looking for a payment for infrastructure upgrades of about \$170,000 and Clean Energy Collective has asked them to push that off. Ms. Haake said she understands that all issues have to be reviewed but feels Clean Energy Collective has been patient and, hopefully, helpful in this project. Her company used the existing law for their planning and they are now concerned that the rules may change. Ms. Haake asked if the solar law could move forward on its own.

Councilman Patel asked what would happen if the proposed tree law is passed with new regulations that would affect their project. Ms. Haake said that typically any projects passed prior to the adoption of the new law would be grandfathered.

Councilman Lachterman asked how long they have been before the Board and Ms. Haake told him they first came before the Board in October 2017. Councilman Lachterman commented that this was before there was any notion of changing the tree law.

Mr. John Tegeder said he thought it would be fine to move it along but to be aware that in the proposed tree law the Town would have to be cognizant within the tree law how it treats such an installation and required mitigation. Each board, as it goes through mitigation, will have to take a subjective view and be practical about mitigation.

The project is located off Lockwood, the northwest corner of Town bordering Putnam Valley.

Councilman Lachterman understands Clean Energy Collective’s position and the Town Board will need to keep an open view of what the playing field was like when they started their application.

Supervisor Gilbert stated that the Board needs to be cognizant of the fact that while we are taking down trees, we are still trying to be energy efficient.

Town Attorney Richard Abbate said he will put the latest version of the Solar Law into Local Law format. The one thing he said still needs to be discussed is a possible removal bond provision. Mr. Tegeder said he would like to work with Mr. Abbate on this. A new draft will need to be referred out to appropriate agencies.

ENERGIZE NEW YORK - SARAH SMILEY

Ms. Sarah Smiley, Director of Member Services, from Energize New York came before the Board to make a presentation regarding their program, PACE Financing. They are a non-profit local development corporation who facilitate clean energy improvements to buildings to help reduce energy waste and to scale the adoption of clean energy across New York State. They do this on behalf of their member municipalities, which include the town of Yorktown. For commercial property owners and non-profit groups who want to make their buildings more efficient, or who want to add renewable energy, Energize New York will provide capital in the form of PACE financing, as well as support and guidance through the finance application process. Property Assessed Clean Energy (PACE) is part of NYS General Municipal Law. Buildings in New York State lose about 10.5 billion dollars a year in wasted energy so PACE Financing is a tool that their member municipalities offer to reduce that energy waste for businesses.

Supervisor Gilbert asked how is energy wasted and Ms. Smiley responded by saying that New York has a lot of older buildings and if there isn't proper insulation and energy efficient heating and cooling systems, these buildings use up a lot of fossil fuels to heat and cool a building that are, essentially, going out the windows. This is what their members are trying to address both to reduce the energy waste of the businesses and to improve the building stock of communities and achieve clean energy goals they may have for their communities.

Ms. Smiley said they have 48 member municipalities across the state and because their financing is based on tax lien authority, outside of Westchester their members are cities and counties and inside Westchester, the members are towns. Their members have passed local laws and signed municipal agreements with Energize New York to provide PACE financing. Ms. Smiley said some of the unique benefits of PACE financing include financing up to 100% of the cost of the project with competitive fixed interest rates and customizable terms that go as long as 20 years. Financing is attached to the property so if the property is sold, the financing transfers to the new owner. Because of the long terms they offer, owners can plan for extensive projects. Ms. Smiley presented slides of what kinds of projects they finance. She concluded with slides of some local businesses who have used PACE Financing.

Councilman Lachterman asked if Ms. Smiley knew the savings of these local business after making their improvements through PACE. She said they had projected savings prior to the projects but not had tracked them since their completion.

Councilman Patel asked who will help arrange the financing and was told that Energize New York sources the capital for these projects on behalf of the municipality. The municipality is responsible for adding the financing charge to the tax bill for the property, collecting payment, and remitting it to Energize New York or its trustee. Ms. Smiley reviewed some new changes to the laws affecting PACE financing, making it more desirable to more businesses. She reviewed the finance criteria for projects and a new product available to those interested called Pay When Received PACE. This new product attracts capital from national PACE developers and facilitates larger PACE projects. It also relieves a municipality from remitting payment until it receives payment from the property owner.

Supervisor Gilbert asked if the municipality has the ability to check the credit of those businesses or non-profits who wish to apply for PACE financing, since the municipality is on the hook for the financing. The municipality can modify how they implement the program and can implement additional underwriting restrictions. The municipality can restrict certain classes of property, and place limits on the amounts of financing available. The Energize New York Board would need to review these restrictions.

Ms. Smiley said the next steps for Yorktown to take would be to amend local law and sign the municipal agreement in order to stay current with the changes made last year and to offer the new Pay When Received program which would be an amendment to the agreement. Energize New York would also like to work with the Town in order to get the word out to businesses and non-profits about this financing.

Supervisor Gilbert asked how many projects have they financed in Westchester County and Ms. Smiley told him they financed a total of 20 since 2015 but was not sure how many of those were in Westchester County.

Supervisor Gilbert said that his only problem with this program is that it puts the Town on the hook for these projects. Councilman Lachterman said that the Town is protected if a business goes bankrupt, the municipality would receive payment upon foreclosure. More questions regarding risk, payments, financial liability, etc. were asked and discussed by the Board.

Supervisor Gilbert said the question is “does the benefit to the Town outweigh the risks?” He said the Board will need to discuss this program further.

ADOPTION OF THE PRELIMINARY BUDGET AS THE ADOPTED BUDGET FOR 2019
RESOLUTION #434

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

WHEREAS, Supervisor Ilan D. Gilbert, acting as Budget Officer, did on the 30th day of October, 2018 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2019, and

WHEREAS, a public hearing was called and duly held on the 4th day of December, 2018, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget and be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2019, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

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

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

AUTHORIZATION TO WAIVE FEES FOR USE OF ROOM AT THE AACCCC - DRUG
CRISIS IN OUR BACKYARD

RESOLUTION #435

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

BE IT RESOLVED, that based on a request from Drug Crisis in Our Backyard, a community-based 501(c)(3) non-profit organization which offers education and action-oriented opportunities for families and individuals struggling with addiction, to hold support group meetings for families

dealing with drug abuse and addiction in their homes, the Town Board hereby waives the rent fees of \$882.00 for 26 - one and one half hour sessions in Room 26 and 1 - one and one half hour session in the Nutrition Center at the Albert A. Capellini Community & Cultural Center beginning in January 2019 through December 2019.

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH
WSP FOR REPLACEMENT OF VETERANS ROAD CULVERT PROJECT
RESOLUTION #436

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

WHEREAS,

1. A Project for the Replacement of the Veterans Road Culvert over Hallocks Mill Brook in the Town of Yorktown, Westchester County, identified as PIN 8761.71 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 0% Federal funds and 100% non-federal funds; and
2. NYSDOT awarded the Town \$820,000 for the project as part of the 2016 Bridge NY program.
3. The program guidelines required the Town to solicit qualifications from all the prequalified firms that are on a Region 8 list put together by NYSDOT. Letters were sent to all fifteen (15) firms on the list and we received responses from five (5) firms.
4. Each of the five (5) responding firms provided a technical proposal that described the various resources of the firm, their project approach, resumes for key personnel and an organization chart. Note: in accordance with the program guidelines, the initial selection was based on technical qualifications only; no cost proposals were included.
5. The Engineering Department, in consultation with the Highway Department, created a ranking sheet to go through the various proposals and scored each firm based on the submitted documentation.
6. Following a presentation to the Town Board on 11/13/18, the Town selected WSP USA Inc. as the most qualified firm to perform the work.
7. The Town then negotiated a professional services agreement with WSP USA Inc. in accordance with the base scope elements that are part of NYSDOT's base task list.
8. The professional engineering services to be provided by WSP USA Inc. are summarized in the executed IPP Agreement with NYSDOT (Attachment #1) and the work will be performed for the maximum payable amount of \$80,000 (Attachment 2).
9. The Agreement to be signed shall be acceptable to NYSDOT program administrators and the Town Attorney.
10. In the professional opinion of the Town Engineer, WSP USA Inc. provided a fair and reasonable proposal for professional services. We note the firm has previously performed satisfactory work for the Town and is well versed in NYSDOT program guidelines, which should help the Town quickly move through the construction approval process.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement to provide construction inspection with WSP USA Inc., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$80,000.

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH
WSP FOR HILL BOULEVARD BRIDGE REPLACEMENT PROJECT
RESOLUTION #437

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

WHEREAS,

1. A Project for the Replacement of Hill Boulevard Bridge over Tributary to Barger Brook in the Town of Yorktown, Westchester County, identified as PIN 8761.66 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
2. NYSDOT awarded the Town \$2,470,000 for the project as part of the 2016 Bridge NY program.
 3. The program guidelines required the Town to solicit qualifications from all the prequalified firms that are on a Region 8 list put together by NYSDOT. Letters were sent to all fifteen (15) firms on the list and we received responses from five (5) firms.
 4. Each of the five (5) responding firms provided a technical proposal that described the various resources of the firm, their project approach, resumes for key personnel and an organization chart. Note: in accordance with the program guidelines, the initial selection was based on technical qualifications only; no cost proposals were included.
 5. The Engineering Department, in consultation with the Highway Department, created a ranking sheet to go through the various proposals and scored each firm based on the submitted documentation.
 6. Following a presentation to the Town Board on 11/13/18 the Town selected WSP USA Inc. as the most qualified firm to perform the work.
 7. The Town then negotiated a professional services agreement with WSP USA Inc. in accordance with the base scope elements that are part of NYSDOT's base task list.
 8. The professional engineering services to be provided by WSP USA Inc. are summarized in the executed IPP Agreement with NYSDOT (Attachment #1) and the work will be performed for the maximum payable amount of \$241,000 (Attachment 2).
 9. The Agreement to be signed shall be acceptable to NYSDOT program administrators and the Town Attorney.
 10. In the professional opinion of the Town Engineer, WSP USA Inc. provided a fair and reasonable proposal for professional services. We note the firm has previously performed satisfactory work for the Town and is well versed in NYSDOT program guidelines, which should help the Town quickly move through the construction approval process.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement to provide construction inspection with WSP USA Inc., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$241,000.

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

AUTHORIZE SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH WOODARD & CURRAN FOR ADDITIONS TO THE WORK ORDER MANAGEMENT SYSTEM
RESOLUTION #438

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

WHEREAS,

1. The Town engaged the services of Woodard & Curran to create a computerized work order management system in 2017. The new system was integrated with the Town-wide Geographic Information System (GIS) and launched in May 2018. This new system replaces the previous paper-based work order system that was difficult to track and did not provide the proper documentation for regulatory reporting.
2. At the Town Board work session of 11/27/18, representatives of Woodard & Curran presented a demonstration of the new work order system currently being utilized by the Water and Sewer Departments personnel (still being introduced to the Highway Department). All resident and staff follow-up issues can now be logged into the system, starting as a service request and then proceeding to a work order based on initial assessment. Work orders are assigned to the appropriate staff member or crew and then closed when the work task has been completed.
3. The professional engineering services to be provided by Woodard & Curran will be performed at the firm's normal hourly rate schedule in the not-to-exceed amount of

\$35,000. There will be an additional \$5,000 annual web hosting fee payable to Woodard & Curran. Total amount of agreement: \$40,000.

4. The scope of work will include the following:
 - a. Modify the asset selection tabs to improve system functionality
 - b. Create a new field and status tab for ease of printing
 - c. Enhance the data set to allow for in-program editing of assets
 - d. Additional system training for Town staff
 - e. Update data set to improve accuracy and incorporate new development projects
 - f. Launch “public” sewer GIS mapping to assist residents in accessing data
5. In the professional opinions of the Town Engineer and the Water Superintendent, Woodard & Curran Engineering provided a fair and reasonable proposal to the Town, with the same terms and conditions as the prior agreement.
6. The cost of this agreement will be shared between the Water and Sewer Departments and will be paid with available funds from the 2018 budget (Water Dept. \$20,000 & Sewer Dept. \$20,000), however we need the Town Comptroller to perform the following budget transfers
7. Water Department: Transfer \$20,000 from SW.8340.0483.0004 GIS to SW.8340.421.1 Computer Support/Software
8. Sewer Department: Transfer \$20,000 from YS.8130.490 Professional Services to YS.8130.421.1 Computer Support/Software.

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the Town Comptroller to make the budget transfers as noted above and the Town Supervisor to sign a Professional Services Agreement with Woodard & Curran Engineering, PC for the scope of work as described in preceding section and the not-to-exceed amount of \$40,000.

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

AUTHORIZE COMPTROLLER TO RELEASE WETLAND BOND PERMIT #WP-049-05 -
1710 BAPTIST CHURCH ROAD
RESOLUTION #439

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

WHEREAS,

1. Robert & Bonnie Mongno, as applicant for a wetland remediation project, posted \$1,500 which was deposited into the T33 account on December 15, 2006 to serve as the Wetland Bond for permit #WP-049-05.
2. Robert & Bonnie Mongno as applicant for construction of a detached garage, posted \$500 which was deposited into the T33 account on December 15, 2006 to serve as the Wetland Bond for permit #WP-070-06.
3. The applicants have requested their monies be released as the project work is now complete.
4. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released,

NOW, THEREFORE BE IT, RESOLVED, that the above-referenced bonds be and are hereby released to Robert & Bonnie Mongno, 1710 Baptist Church Road, Yorktown Heights, NY 10598.

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

AUTHORIZE CARRY OVER TIME FROM 2018 TO BE USED IN 2019
RESOLUTION #440

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

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry accrued 2018 vacation time for use in 2019 and

WHEREAS, the Comptroller has confirmed the available balances as of 2018 Payroll 24, for pay period ending November 30, 2018, now

THEREFORE, BE IT RESOLVED, the following employees may carry over remaining vacation time balances as follows, unless the employee takes vacation time after 2018 Payroll 24 which would reduce the time listed below:

Name	# hours	Name	# hours
Dawn Irving	19	Terrance Deveau	82
Kevin Alimonti	10	LeArtis El	26
Vinny Ambrosino	45	David Humphrey	6.5
Kim Angliss-Gage	44	Sal Rivera	72
Scott Baldwin	75	Franz Rom	34.5
Joseph Bergin	12	Pat Caporale	245
David Doherty	56.75	Gennelle MacNeil	74
Donald Gaffney	30	Sandy Serrano	42
Andrew Heady	42.25	Donna Andrews	45
Peter Legler	11.25	Donna Polito	21.25
Doug Paget	60	Michael Quinn	98
Jeffrey Rosenstrach	71	William Batista	57
Michael Samuels	12.75	Louise Kobiliak	108.5
John Winter	21.25	Michael Mill	84
Isabel Klein	118.75	Anthony Cuccovia	57
Maria Ricci	63	Charles Chase	67
Allison Egan	35	John Landi	112
Irena Goss	39	Joe Venitucci	122.5
Ellen Tannenbaum	14	Barbara Korsak	294
Margaret Groccia	21	Lori Rotunno	22
Patricia Hallinan	56.5	Kathy Nicholson	42
Shirley McCord	78.5	Andrew Cerrato	52.5
Peggy O'Reilly	31	Scott Ferreira	60.6
Maria Stolfi	63	Barry Gelbman	97.5
John Tegeder	271	Michael Hoek	56.25
Sophie James	40.5	Eric Hollberg	22.5
Ann Anderson	96	Stephen Melillo	15.03
Mike Battista	67.5	Dominic Monopoli	148.75
Nick Bernard	1.875	Bryan O'Keefe	127.5
Tony Cambareri	192.75	Guido Parks	109.5
Kieran Carney	71.25	Richard Williams	7.5
Angela Cavallo	82.5	Jessica Bambach	56
Joey Dellolio	54	Anita Hecker	45.5
Keith DeVito	37.5	Christopher Soi	14
Ted Devlin	28.5	Todd Orłowski	132.25
Pete Goldberg	45.75	Kyle Thornton	128
Michael Grasso	41.25	Vincent Calicchia	105
Kevin Harrigan	18.75	Curtis Doerr	187.5
Paul Hollopeter	465	Carl Laduca	35
Bobby Ireland	135	James Morgan	96.8
Dave Nikisher	105	Cathleen Romanych	127.5
Charlie Vilarino	225	John Van Debrook	90
Noreen O'Driscoll	196	Kim Penner	245
Mark Bistro	18	Peggiann Thorp	46.5
Terri Campanaro	30	Karren Perez	161
Al Pisano	78.75	Margaret Gspurning	210
Steven Chan Chee	22.5	Mike Hoy	37.5
Danny Cruz	72.5	Paul Colarusso	73
Patricia DeMarsh	42	Stewart Glass	98
James Graham	40	Tommy Gallelo	97.5

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

AUTHORIZE WAIVING FEES FOR USE OF ROOM(S) AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER BY NORWEST
RESOLUTION #441

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

RESOLVED, that the Town Board waives the rent fee for Tuesday evenings from 4:00-6:00 PM for 20 weeks from January to June totaling \$1,520.00 for use of the ACCCC gymnasium by Nor-West for the Winter and Spring session.

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

AUTHORIZING THE SUPERVISOR TO SIGN CONTRACT BETWEEN THE TOWN OF YORKTOWN AND THE HUDSON RIVER VALLEY GREENWAY
RESOLUTION #442

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

WHEREAS, the Hudson River Valley Greenway (the Greenway) is spearheading the Empire State Trail Initiative which is a 750 mile bike and pedestrian trail across New York state; and

WHEREAS, the Greenway is constructing trailheads across the State along the Empire State Trail which consist of trail amenities, signage and educational material that serve to mark and educate the public about the trail and provide convenient points of access to the trail; and

WHEREAS, The North County Trail (NCT) has been designated as a part of the Empire State Trail system and Patriot Garden is a trailside amenity adjacent to the NCT which was developed constructed and managed by the Town of Yorktown (the Town); and

WHEREAS, the Greenway desires to enter into a partnership with the Town of Yorktown to create a trailhead of the Empire State Trail at the Patriot Garden with various improvements at the Patriot Garden and the adjacent commuter Parking lot that abuts Yorktown Town Hall; and

WHEREAS, the Greenway proposes to fund the cost of material to pave the missing section of asphalt pavement that connects the commuter lot to the NCT; and

WHEREAS, the Greenway is requesting the Town initiate the partnership by executing a Letter of Understanding, which sets forth the basic respective responsibilities to execute the project; and

THEREFORE BE IT NOW RESOLVED, that the Town Board authorizes the Supervisor of the Town of Yorktown to sign the Letter of Understanding with the Hudson River Valley Greenway for the purpose of creating a trailhead of the Empire State Trail at Patriot Garden.

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING DUPLICATE TAX PAYMENT
RESOLUTION #443

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

RESOLVED, the Comptroller is authorized to refund the following duplicate tax payment:

<u>Account #</u>	<u>Amount</u>
1131000	\$84.70

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH MRI SOFTWARE, LLC FOR THE HAPPY SOFTWARE AND SUPPORT FOR SECTION 8 PROGRAM
RESOLUTION #444

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

RESOLVED, that the Town Comptroller is authorized to pay MRI Software, LLC for the Happy Software one-year license and support for computer software provided to the Section 8 Office, to cover the period from February 1, 2019 through January 31, 2020. The payment amount is \$5,761.00 as shown on the invoice dated November 30, 2018.

The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”).

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR FREE ACCESS TO WESTCHESTER COUNTY RECORDS ONLINE
RESOLUTION #445

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the Inter-municipal Agreement with the Westchester County Clerk for Town staff access to the Westchester Records Online free of charge. The term of the agreement is from January 1, 2019 to December 31, 2019.

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

AUTHORIZE SUPERVISOR TO SIGN A DECLARATION AND RESTRICTIVE COVENANT AGREEMENT WITH YORKTOWN JAZ, LLC FOR MAINTENANCE AND REPAIR OF THE WATER AND SEWER IMPROVEMENTS – LOWE’S HOME CENTER
RESOLUTION #446

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the Declaration and Restrictive Covenant Agreement with Yorktown JAZ, LLC for the maintenance, and repair of the Water and Sewer Improvements located at the Lowe’s Home Center site on Route 35/202.

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

ADJOURN

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

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