

Meeting of the Town Board, Town of Yorktown held on Tuesday, January 15, 2019 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

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

Absent: Thomas Diana, Councilman

EXECUTIVE SESSION

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

Detective George Davis and Boy Scout Michael Ruvo led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Gilbert announced the Supervisor's Newsletter will go out monthly to keep the public informed of events and issues in the Town. Residents can subscribe through the Town's website. Supervisor Gilbert said that the work of the Town is carried on by not only elected officials and employees, but volunteers on various committees and boards and the Supervisor thanked them for all of the work they did over the past year. The Town Board members also function as liaisons to these boards and in the future they will be able to do short presentations regarding the Boards they represent and their key issues. He has had several discussions with the chair of the Economic and Redevelopment Committee who wishes to make a presentation to the Town in the very near future.

Supervisor Gilbert attended many wonderful holiday events over the past few weeks. He participated in the distribution of food and presents through the food pantry and prepared food for a midnight run.

Supervisor Gilbert attended an Eagle Scout Ceremony for Brendan John Wallace on December 22 and stated he is always truly impressed with their projects.

He also met with the new Yorktown Chamber of Commerce president, Sergio Esposito, and they discussed working together to help businesses in Town. There have been several business openings in Town, one of which is the new Goldfish School where he, along with other Town officials, attended the ribbon-cutting ceremony. He encouraged residents to visit.

Organizational meetings were held for the Northern Westchester Joint Water Works, at which Supervisor Gilbert was designated Treasurer for the coming year.

Supervisor Gilbert has continued weekly meetings with Enbridge regarding the status of the pipeline project. The Town Board has invited them to this evening's meeting to give a status update.

The Town experienced approximately 52 water breaks during 2018 – two of which were over the holiday period. Water Department employees gave up holiday time to work diligently to make sure water was restored to residents so their holidays were minimally disrupted. There have also been a number of sewer main breaks that were responded to quickly by town employees.

Supervisor Gilbert is also working to establish a Farmer's Market at the Jefferson Valley Mall this year.

Supervisor Gilbert has continued his meetings with the local electric utility companies to stress the need for them to harden their infrastructure so that the number and duration of outages is lessened. He also stressed to them the need for better communication with Town Officials and residents.

New vehicles have been purchased for use by departments located in Town Hall. These vehicles are much more fuel-efficient than the ones they are replacing.

After discussions with the Parks & Recreation Commission, Supervisor Gilbert has been advised by the Town Attorney that the powers of the Parks Commission, pursuant to New York Municipal Law and Town Board Resolution establishing the Commission, include the establishment of setting usage fees. Further, the Commission has agreed to set the fee for field use at \$45 per hour for the 2019 season. Additionally, it is the recommendation of the Town Attorney that going forward the setting of fees for the usage of the parks is within the powers of the Parks & Recreation Commission and should remain with the Commission where it has historically been.

Supervisor Gilbert has continued to work with Councilwoman Alice Roker and Town Hall staff to acquire funding to provide sewers for approximately 315 parcels in the Hallocks Mill Sewer District. There have been a number of meetings with these residents to keep them informed of developments and to hear their concerns. Supervisor Gilbert said he is happy to announce that at today's Northern Westchester Watershed Committee Meeting a resolution was passed to authorize the \$10 million from the East of Hudson Funds that are being held by Westchester County for Yorktown's Hallocks Mill Sewer Project. He will be meeting with the residents shortly to discuss next steps and to ensure that the majority wish to proceed with the sewers. The County Board of Legislators will have to approve the disbursement of the funds, as well as NYC DEP.

Historically, Supervisor Gilbert gave the first tour of Town Hall to the first Girl Scout troop of the Boy Scouts of America.

Supervisor Gilbert announced a reminder from the Refuse & Recycling Department to not place recyclables in plastic bags. They will not be picked up, as the County will not accept them at the recycling facility.

DURING REPORTS FROM THE TOWN COUNCIL

Councilwoman Roker said that Kim Angliss-Gage, Coordinator of the Refuse & Recycling Department, would like to address the public soon since she feels there have been a lot of issues regarding recycling and garbage disposal and pick up. Her presentation will be taped and run as its own program.

Councilwoman Roker stated that at the first work session in February, the Public Safety Committee is going to make a presentation. Officer Jay Swart, Highway Superintendent Dave Paganelli, and herself will talk about the kinds of issues that come before the Committee and the necessary steps to resolve them. Dave Paganelli would like to discuss conditions on roads near various properties that he would like to stop. She said they will also have their traffic consultant at the presentation to follow up on previous Board member Greg Bernard's project to install a traffic light at East Main Street and Stoney Street. A study was done and a traffic light is warranted and the Town Board will need to fund it. The Town does not have a lot of property in that location and may have to ask a private property owner for access.

Councilwoman Roker announced that on April 29th the Alliance for Safe Kids (ASK) is going to lead a discussion on mental health for young children. They received a grant from the local Rotary Club for the program and would now like to discuss this topic with parents who have children of all ages. There will be a video of approximately 15 minutes long and is a discussion worth attending. This is a way to help identify issues before they become serious health concerns.

Councilman Vishnu Patel introduced Mike Ruvo, a Yorktown High School senior, who is attending the Town Board meeting as part of the Boy Scout Merit Badge for Communications. He is also working on his Eagle Scout project, which is preparing a Yorktown Emergency Preparedness Guide. Mike is working with the Yorktown Police Department, especially Sergeant Scatola and

Chief Noble. He will return to another Town Board meeting to talk about his project along with Chief Noble.

Councilman Patel said that the Eagle Scout projects provide \$250 million of service projects and thanked Mike and all Eagle Scouts for being positive role models.

Councilman Lachterman announced the Senior Advisory Committee Meeting will be held this Friday (the third Friday of every month) it is a wonderful way to meet other seniors and hear about their concerns. He also announced the following events:

- January 19th, Yorktown resident and author David Rocco will be doing a talk about the Mount Beacon plane crash (he authored a book about the crash) at the Little Red Schoolhouse in Cortlandt Manor.
- February 3rd at 2:00 pm the VFW Post will hold the Four Chaplains Ceremony that will commemorate the sinking of the Dorchester and the sacrifice of the four chaplains during World War II.
- March 9 at Villa Barone the Lakeland Education Foundation will have their Casino Night.
- April 28 My Brother Vinnie will hold their Walk-A-Thon at FDR Park.
- May 2 will be the Holocaust Remembrance Ceremony will be held – location to be determined.

POLICE DEPARTMENT PRESENTATION

Police Chief Robert Noble encouraged the public to pay attention to Mike Ruvo's Emergency Preparedness Guide when it is published – it is a worthwhile project done by someone who is a local resident. He also mentioned that on March 9 the Yorktown Foundation for Excellence will be having their annual dinner and three of his officers are being honored for the work they do with the Yorktown School District.

Chief Noble introduced new police officer, Michael Vuoso, and gave a brief biography. Officer Vuoso was then sworn in by Town Clerk Diana L. Quast. Chief Noble introduced new police officer, Christian Chaparro, and gave a brief biography. Officer Chaparro was then sworn in by Town Clerk Diana L. Quast.

Chief Noble also announced the retirement of Detective George Davis. Chief Noble thanked Detective Davis for his service to the Town since 1978. He has received countless commendations and police duty awards. He served his country during the Vietnam War. Chief Noble commented how he personally learned from Detective Davis during his own career. He said how Detective Davis has made a positive contribution to the Yorktown community and wished him well in his retirement. Detective Davis said a few words about his career and what a close and caring community Yorktown is. He thanked Yorktown for providing him and his family with a wonderful career.

ENBRIDGE PIPELINE PROJECT

Mr. Christian DePalermo, Enbridge Representative for Government and Community Affairs and Mr. Jim Luskay, Manager of Projects for Algonquin Gas/Enbridge, thanked the Town and residents for their cooperation in their project.

Mr. Luskay said the good news is that a good portion of the work is done (about 90%) which includes the take-up of their 26-inch line and the replacement of a 42-inch line from the general area of Route 132 to past Curry Street and Campfire Road area. The initial cleanup and restoration has also been completed. They will come back in the spring if there is any additional cleanup or restoration to be done. Enbridge will continue to monitor that section for 5 years should there be any project-related maintenance required in addition to their regular maintenance.

Enbridge is currently working on the section between Stoney Street towards Route 132 near the Taconic Parkway. There have been some construction challenges on this section. This section requires a horizontal directional drill, which is a means of construction that involves boring into the ground and creating a 54-inch hole about 3,500 feet long, which they will be pulling the 42-inch pipe through. They did have one attempt to pull it though during the summer but there was debris in the hole that caused unacceptable conditions on the pipe. They have been working on reconditioning the hole since then. Next week they will be pulling back the pipe again. This will involve some round-the-clock work. If it is a successful pull-back, they will inspect and test that section and then tie it into the existing line. The 42-inch line is in service, except for that area.

They were able to install some crossover valves to the east of Stoney Street and in Legacy Park so they could have gas flow through the pipeline while they were continuing to work on the horizontal directional drill (HDD). The next step would be to put that line in service and to come back in the spring to remove the crossover piping, as well as the facilities on Stoney Street. If it is not successful, one alternative is to do a conventional bore underneath the Taconic. That is not the preferred method but if it does happen that way, it would begin in April and end around August 2019. They have been working with NYS DEC, NYC DEP, and NYS DOT, as well as affected residents regarding communications of their plans.

Councilman Patel asked if any of our local environmental and safety engineers could visit their site so they could learn about what is happening in the community. Mr. DePalermo said this should be done through the Supervisor's Office. Enbridge's safety training and procedures would have to be followed.

DURING COURTESY OF THE FLOOR

The following members of the public spoke:

John McMullen, Yorktown Poet Laureate, read an original poem written on December 17, 2018, and the significance of that date. Mr. McMullen also mentioned the Food Pantry's Christmas Distribution in which Supervisor Gilbert and Town Clerk Diana Quast participated, as well as himself. The Saturday before Christmas they distributed food to 170 families and toys to 370 children.

Mr. Paul Moskowitz, resident, believes the pipeline presents a health and safety issue to those living in Yorktown and Northern Westchester. Mr. Moskowitz stated he is a nuclear physicist and said that not only does the pipeline carry natural gas but also, as a result of the extraction process, carries radon gas. Radon gas is a very heavy, relatively non-interactive gas, but it is radioactive. When a nucleus is too large it becomes smaller by emitting particles that are a danger to people. The pipeline provides too much radon per liter. Enbridge, in their environmental impact statement, said that radon gas when it decays goes to stable elements in one hour – Mr. Moskowitz said this is an outright lie and is a contradiction of the nuclear physics that has been known for a century. When radon gas decays, the end products are radioactive polonium and radioactive lead. The polonium has a 5-month half-life and the lead has 32-year half-life, approximately. Every six months, the residues are cleaned out from the pipeline; this includes the radioactive polonium and lead. Mr. Moskowitz said that Enbridge has consistently lied about the presence of these radioactive products. He said the Enbridge representatives have refused to say what they do with the material that they clean out from the pipeline. He feels they owe the Town that much.

Ms. Shelley Reed, Mohegan Lake, came to ask about the Mohegan Avenue retaining wall and paving project. She wanted to know if a proposal for bids has been published or will be soon. Supervisor Gilbert said that Highway Superintendent David Paganelli has discussed this project with him and they will be working on it very shortly.

Mr. Dan Strauss, resident, said that he has been working with Kim Angliss-Gage to keep Yorktown clean and spoke about not putting recyclables in plastic bags. He commended the good work that Ms. Angliss-Gage does for the Town. He congratulated the police for the arrest for the vandalism done in Shrub Oak. He also mentioned the clear cutting of trees for the new building on Route 118. He said that this was done with the approval of the Planning Department and done with impunity. Mr. Strauss talked about businesses in Town and that the Board does not talk enough to the people about what they want. It will be very hard to make Yorktown a "destination" town since Yorktown does not have a train or a river. Do Yorktowners really want Yorktown to be a "destination" town?

Mr. Ken Belfer, Mohegan Lake Improvement District, repeated Ms. Reed's query about the bid for the Mohegan Avenue retaining wall and replacement project. He said he knows this comes down to funding and that this is a sizeable project. Supervisor Gilbert said that, unfortunately, they were denied a grant and that the Town will have to "bite the bullet" and come up with the funding themselves. He knows it is an imminent issue that will need to be addressed very soon.

Councilwoman Roker said she had asked Mr. Paganelli where they stood with the project right before the budget meetings. She said he told her he has the bid documents but the Board has not seen them yet. She said she will ask him for the documents since this is a public safety matter.

Mr. Ed Ciffone, resident, commented unfavorably on the integrated Boy Scouts. He then talked about the promotion of gambling in New York State. As a former Police Youth Officer, he spoke out against the legalization of marijuana. He said this is being done for money. Mr. Ciffone wanted to know when the gas pipeline money was given to the Town. Councilwoman Roker said she would get him that information.

Mr. John Campobasso, President of the Yorktown Athletic Club, agreed with Mr. Ciffone's comments regarding the legalization of marijuana. He thanked the Yorktown Parks & Recreation Commission for keeping their word regarding the setting of fees that helped the YAC. He thanked the Town Board for supporting all of the sports clubs in Town. Mr. Campobasso also thanked Dan Strauss for being the "guardian angel" for the Town and all of his clean-up efforts in Yorktown.

Mr. Tony Grasso, resident, commented on Mr. Moskowitz's views. He said the federal government is in charge of the pipeline project so he called his congressional representative and senators and spoke to them. He also said that business growth in Town is not a Republican or Democratic issue. The Chamber of Commerce has all parties represented and services the Town, not politics. Mr. Grasso spoke about the sources of income in the Town and how it is important to attract businesses and to help them stay in business. The Chamber works to attract business and work with them.

Councilwoman Roker also stated that she is offended by the idea of a Republican or Democratic way of doing things. If we all want the same thing, there should be one way. Hopefully, the new Economic Redevelopment Committee will help with contacting businesses and residents to find out what the community needs and open a dialogue between the two.

Supervisor Gilbert stated that he has been in constant contact with the K-Mart property owners and has learned that K-Mart has been listed as number 258 of 505 stores that have gone up for auction. The property owners are hoping that while it may be initially a hit for the Town to lose them tax-wise, they believe there will be a more viable anchor that will come in and revitalize the entire shopping center. Supervisor Gilbert also discussed with the property management group that the Food Emporium location has an interested food establishment looking at the location. Having said this, Supervisor Gilbert said that the Board, the Economic Development Committee, and the Chamber of Commerce should all be keeping lines of communication open in order to keep Yorktown a vibrant town.

Mr. John McMullen, resident, commented on the legalization of marijuana. He questioned whether or not marijuana should be considered a gateway drug. He hopes that if marijuana is legalized, one positive result would be a reduction in organized crime in the marijuana business. Supervisor Gilbert said his experience as a Bronx County Judge in the criminal justice system and who helped create a drug and mental health court there has shown him that one of the key points of juvenile drug use that it is clear and scientifically proven that the juvenile and young adult brain is still in development until the age of twenty-four. Marijuana use has shown to have a higher chance of being a trigger of mental illness such as schizophrenia, etc. He said it is this particular reason should be sufficient to not having our youth exposed to marijuana.

Mr. Jay Kopstein, resident, said he read that the NYS Association of County Health Officials has come out in opposition to what Governor Cuomo wants to do regarding the legalization of marijuana. Mr. Kopstein said that the governor is looking at this solely in terms of revenue and not the health effects.

Councilwoman Roker said that she and Supervisor Gilbert had spoken to the president and the doctor in charge of the Emergency Department at the Hudson Valley Hospital. She said they learned that the chemical components in marijuana today change the brain the first time it is smoked. She hopes to bring the department head to speak to the Town at a board meeting. The composition of marijuana today is much, much different from what it was decades ago.

Mr. Kopstein said that studies show that marijuana affects fetal tissue in pregnant women and is in the breast milk of nursing mothers. He said that we must get away from the idea that this is a revenue builder and look at the negative impacts legalization will have on society.

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

Councilman Lachterman said that he is in complete agreement with Mr. Kopstein's views. He said that he heard that the state may allow each county to decide for themselves regarding legalization. If that is the case, the Town Board will have to discuss this with the County Legislators. Councilman Lachterman also addressed Mr. Strauss' comments by saying that many landlords and business owners care about what happens in Yorktown. Mr. Strauss said that Councilman Lachterman has not talked to the owners he has in terms of the conditions of their dumpsters at their businesses. Councilman Lachterman said he disagreed with making a generalization of business owners in Yorktown. He cited the owner of the new Goldfish School who discussed with him as to how to clean up his area.

Councilman Patel spoke about how the legalization of marijuana is a complex issue.

PUBLIC HEARING DECISION FOR REZONING REQUEST BY CELESTIAL ROUTE 6 ASSOCIATES II, LLC
RESOLUTION #017

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

WHEREAS, Celestial Route 6 Associates II, LLC ("Celestial") is the owner of certain real property located at the corner of Route 6 and Mohegan Avenue in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.16, Block 1, Lot 21 totaling approximately 0.83 acres (the "Property"); and

WHEREAS, the Property is located within a previously approved subdivision; and

WHEREAS, the entire Property is presently zoned O (Office); and

WHEREAS, on or about September 20, 2018, Celestial filed a Petition for a rezoning of the subject Property from the O Zoning District into the C-2 (Commercial Hamlet Center) District (the "Action"); and

WHEREAS, in conjunction with the Action, Celestial has submitted a conceptual site plan (the "Plan") and a full Environmental Assessment Form ("EAF") under the State Environmental Quality Review Act ("SEQRA") and associated materials (the "Application"); and

WHEREAS, on October 9, 2018, at a work session meeting of the Town Board, the Board reviewed the Application; and

WHEREAS, on October 16, 2018, the Town Board designated the proposed rezoning as an Unlisted Action under SEQRA, declared its intent to serve as Lead Agency ("Lead Agency") to conduct a coordinated review with respect to the review of the Action in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b) and directed the circulation of a coordination letter among Involved and Interested Agencies pursuant to 6 N.Y.C.R.R. Section 617.6(b)(3), and referred the Action to the Planning Board for review and recommendation; and

WHEREAS, on November 2, 2018, the Westchester County Planning Board indicated that it has no objection to the Yorktown Town Board assuming Lead Agency status and found the Action to be a matter for local determination in accordance with the Town of Yorktown's planning and zoning policies; and

WHEREAS, on November 5, 2018, the Applicant met with the Planning Board and the Planning Board indicated it would make a positive recommendation for the proposed Action; and

WHEREAS, on November 14, 2018, the Town of Yorktown Advisory Board on Architecture and Community Appearance issued a Memorandum indicating it has no objection to the proposed rezoning of the Property; and

WHEREAS, on November 16, 2018, the Conservation Board issued a Memorandum indicating that it has no issue with the proposed rezoning of the Property; and

WHEREAS, a public hearing was held on December 18, 2018, pursuant to notice duly published as required by law, to amend the Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown; and

WHEREAS, after careful review and consideration of the “EAF” and associated materials, including a traffic study, which shows that redevelopment of the Property as a 7,200 square foot retail building or as a 2,000 square foot fast-food restaurant would not have a significant impact on traffic operations, the Town Board finds that the proposed Action will not have a significant impact on the environment and does not require the preparation of an Environmental Impact Statement; and

WHEREAS, the applicant has acknowledged that at such time as a specific development proposal is advanced for the Property, such proposal will be subject to a separate environmental review pursuant to SEQRA.

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Town Board declares itself Lead Agency for the purposes of SEQRA review of the Action.
2. This Action constitutes an Unlisted Action under 6 N.Y.C.R.R. 617.2, which will not have a significant adverse impact on the environment and therefore does not require the preparation of an Environmental Impact Statement.
3. The following lot on the Tax Map of the Town of Yorktown is rezoned from the O Zoning District to the C-2 (Commercial Hamlet Center) Zoning District:

Section 15.16, Block 1, Lot 21 (15.16-1-21) (approximately 0.83 acres)

The Town Clerk is authorized to take all necessary acts to implement this Resolution.

Ilan D. Gilbert, Supervisor	Voting	Aye
Alice E. Roker, Councilwoman	Voting	Aye
Vishnu Patel, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Resolution adopted.

LOCAL LAW 1 OF 2019 TO AMEND ZONING MAP – CELESTIAL ROUTE 6 ASSOCIATES II, LLC
RESOLUTION #018

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

WHEREAS, a public hearing was held on December 18, 2018 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown as follows:

The following lot on the Tax Map of the Town of Yorktown are rezoned from O to C-2, as shown on Exhibit “A,” and as further described by metes and bounds in Exhibit “B,” both of which are annexed hereto and incorporated as if set forth in full herein:

Section 15.16 Section 1 Lot 21 (Approximately 0.83 acre) located at the corner of Route 6 and Mohegan Avenue, Mohegan Lake, NY 10547

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

Ilan D. Gilbert, Supervisor	Voting	Aye
Alice E. Roker, Councilwoman	Voting	Aye
Vishnu Patel, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #1 of 2019 is hereby duly adopted.

RECONVENE PUBLIC HEARING FOR PROPOSED PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY ON TOWN-OWNED PROPERTY

Supervisor Ilan Gilbert reconvene a public hearing to consider a proposed lease of town-owned property located at 3101 Quinlan Street, Yorktown Heights, NY, also known on the Yorktown Tax Rolls as Section 27.05, Block 1, Lot 16 for a proposed public utility wireless telecommunication facility. The facility is designed to replace two existing towers at the property and support the co-location of the Town emergency services facilities and wire carriers. The proposed action consists of a 135-foot monopole with antennas, access driveway, together with related equipment within an approximate 2,560 square foot compound. This application is subject to Permissive Referendum.

Mr. Robert Gaudioso, attorney with the law firm of Snyder & Snyder, representing Homeland Towers, and Manuel Vicente and Klaus Wimmer, representatives of Homeland Towers said that since they were last before the Town Board in November 2018, they have had productive meetings with Yorktown's emergency service departments. They revised the plans slightly to address certain issues raise by Town departments, such as the Water Department. They revised the plans to include moving the antennas of the following departments onto the proposed new facility: Yorktown Police Department, Yorktown Fire Department, Volunteer Ambulance Corp, and the Water Department. Two locations are being reserved on the tower. They also have proposed removing one of the two existing towers on the property. The tower they will be removing is the south guide tower and the antennas on that tower include the above-mentioned departments and will be relocated to the new tower. They will be providing a new equipment shelter within the compound for the base equipment. The existing, north guide tower, will remain and they will also be providing an equipment shelter for the existing equipment of the Water Department and the NYMECA antennas. In addition, all of the equipment will be tied into the existing 75-kilowatt generator, which will be taken care of by Homeland Towers. Not only will the space on the tower be reserved at the very top and also below the commercial carriers for two different locations to be able to co-locate all of the antennas, they are also providing two new equipment shelters and the equipment space that goes along with the Town's municipal service antennas. The equipment compound has been relocated further back on the property based on comments from the Water Department and they are proposing to repave the access driveway and make the turn-around area bigger to help facilitate the existing operations at the Water Department property. Homeland Towers will also remove some of the ailing trees that are around the water tanks to make maintenance of the tanks easier. Homeland Towers will also landscape along the edge of the property line and slats in the fence to provide screening. If the Town ever needs to use this area for construction of another water tank, Homeland Towers will relocate the tower, at their cost, to the front of the property.

The new equipment shelter will be able to support emergency backup batteries for emergency communications, all of the electrical needs of emergency services will be tied into the existing 75-kilowatt generator on the property, and Verizon is going to install a backup 30-kilowatt generator in the compound.

Supervisor Gilbert stated that these changes are in addition to the rent revenue the Town will receive. The above-mentioned changes were quoted as a \$100,000 benefit to the Town's emergency communications infrastructure and site work at the Water Department property.

Martin McGannon, Commissioner, Yorktown Heights Fire District, confirmed his meetings with Homeland Towers. He said these changes will not only help his department, but also the Lake Mohegan Fire Department.

Councilman Patel asked if this project will affect the meter-reading capability of the Water Department. Mr. Gaudioso said that the Water Department's SCADA antenna will remain on the one tower but they will get a new equipment shelter so they can properly handle their equipment, plus Homeland is going to tie in their electrical backup to the generator.

Supervisor Gilbert said the Board received a memorandum from the Planning Board on this project and recommended that the applicant specify the number and spacing of the giant arborvitae that is shown on the plans. The number and spacing is relative to the continual screening as the plants mature.

Supervisor Gilbert stated that the public hearing should be closed, a resolution passed at a future Board meeting, contingent upon legal review.

Ms. Susan Siegel, resident, asked if, in addition to the benefits and improvements mentioned, there would be a basic fee paid by the applicant for the lease. Supervisor Gilbert said that he would communicate that once the resolution is passed.

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

TERMINATION OF EMPLOYMENT – CURRY
RESOLUTION #019

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

BE IT RESOLVED, that Donald Curry's employment with the Town of Yorktown is hereby terminated effective at the close of business on Tuesday, January 15, 2019.

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

EXTENSION OF CONTRACT FOR THE ANNUAL MAINTENANCE AND EMERGENCY
ON-CALL SERVICES FOR BOILER, BURNER, AND FURNACE AT THE ALBERT A.
CAPELLINI COMMUNITY CULTURAL CENTER
RESOLUTION #020

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

WHEREAS, on January 17, 2017 the bid for the Annual Maintenance and Emergency On-Call Services for Boiler, Burner, and Furnace located at the Albert A. Capellini Community Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598 was awarded to Peak Performance & Service, Inc., and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contract for one additional year. The date of the extension will run from January 18, 2019 through to January 17, 2020.

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

EXTENSION OF CONTRACT FOR THE ANNUAL MAINTENANCE AND EMERGENCY
ON-CALL SERVICES FOR BOILERS, BURNERS, AND FURNACES IN THE TOWN OF
YORKTOWN
RESOLUTION #021

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

WHEREAS, on January 17, 2017 the bid for the Town of Yorktown Annual Maintenance and Emergency On-Call Services for Boilers, Burners, and Furnaces located in the Town of Yorktown was awarded to Peak Performance & Service, Inc., and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contract for one additional year. The date of the extension will run from January 18, 2019 through to January 17, 2020.

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

EXTENSION OF CONTRACT FOR BODYWORK ON TOWN OF YORKTOWN CARS AND
CONTRACT FOR BODYWORK ON TOWN OF YORKTOWN TRUCKS
RESOLUTION #022

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

WHEREAS, on February 7, 2017 the bid for “Bodywork on Town of Yorktown Cars” was awarded to Yorktown Auto Body Inc., 1798 Front Street, Yorktown Heights, NY and the bid for “Bodywork on Town of Yorktown Trucks” was awarded to Luposello’s Auto Body Inc., 2030 Albany Post Road, Croton-On-Hudson, NY, and

WHEREAS, the bids provided that the Town has the option to extend said bids for two (2) additional one-year terms upon the same terms and conditions as set forth in the original contracts,

BE IT RESOLVED, the Town Board authorizes the Supervisor to exercise the option to extend the contracts for one additional year. The date of the extension will run from February 12, 2019 through to February 11, 2020.

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

PERMISSION TO ATTEND 2019 NEW YORK STATE GOVERNMENT FINANCE OFFICERS
ASSOCIATION ANNUAL CONFERENCE/TRAINING
RESOLUTION #023

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

WHEREAS, sufficient funds exist in the Comptroller Training line to cover the cost of expenses, including lodging and conference.

BE IT RESOLVED that Patricia Caporale, Gennelle MacNeil and Sandra Serrano have permission to attend the 2019 New York State Government Finance Officers Association annual conference / training to be held in Albany, New York March 25, 2019 through March 29, 2019.

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

AUTHORIZATION TO SIGN CONTRACT AMENDMENT FOR PUMP STATION UPGRADE
PROGRAM
RESOLUTION #024

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

WHEREAS:

1. In April 2018, the Town Board passed a resolution that authorized the award of bids for the Pump Station Upgrade Program - Walden Woods, Jefferson Valley and Jefferson Park Pump Stations.
2. For Contract No. 2, Electrical Work, the bid was awarded to Acorn Electric in the amount of \$350,000.
3. The existing electrical service to the Jefferson Valley pump station is 240-volt, 3-phase, 60-hertz and is conveyed via overhead wires on poles that run along the pump station access road, ending with a pole adjacent to the pump station. During design, it was determined by GHD Consulting Engineers that an additional power feed (utility wire) would be necessary in order to provide 480 volt, 3-phase, 60 hertz electrical service to the pump station, however this work task was not included in the bid plans.
4. Acorn Electric provided an extra cost proposal to furnish and install the following:
 - a. New underground electric feeder cable from the property line to the new transformer (furnished by NYSEG),
 - b. transformer (furnished by NYSEG),
 - c. New 2-inch conduit from the property line to the pump station for telecommunications,
 - d. Work includes excavation, backfill and compaction associated with above work,
 - e. New utility pole at the site entrance to receive the line power from NYSEG,

- f. New concrete bases for the transformer and electrical disconnects,
 - g. Removal of the existing utility poles and overhead electric service.
5. As per the attached communication, GHD accepted the contractor's extra cost proposal as fair and reasonable.
 6. The Town Engineer and Plant Superintendent have also reviewed the submitted cost proposal, met with representatives of GHD and Acorn Electric to review the particulars and recommend approval.
 7. This work would be charged to Cost Code HP.8130.200 Equipment/Capital Outlay. We are requesting a transfer from the Sewer fund balance to pay for this work; therefore we need the Town Comptroller to make the following budget transfer: \$80,000 from Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.
 8. NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 1 in the amount of \$80,000 for the Pump Station Upgrade, Walden Woods, Jefferson Valley and Jefferson Park Pump Stations, Contract No. 2 Electrical Contract/Acorn Electric. Additionally, the Town Comptroller is authorized to transfer \$80,000 from the Sewer Fund Balance to HP.8130.200 Equipment/Capital Outlay.

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

AUTHORIZE SUPERVISOR TO SIGN CHASE CONNECT SYSTEM ADMINISTRATOR DESIGNATION AND LINKING FORM
RESOLUTION #025

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

RESOLVED, that the Town Supervisor is authorized to sign the Chase Connect System Administrator Designation and Linking Form changing the security administrator to Maria Ricci.

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

AUTHORIZE SUPERVISOR TO SIGN A SERVICE MAINTENANCE AGREEMENT WITH D.P. WOLFF, INC. FOR PREVENTIVE MAINTENANCE OF THE AIR CONDITIONING SYSTEM AT THE LIBRARY
RESOLUTION #026

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

RESOLVED, the Town Supervisor is authorized to sign a service and maintenance agreement with D.P. Wolff, Inc. for comprehensive preventive maintenance of the John C. Hart Memorial Library air conditioning units, air handlers and air fans for a two year from February 1, 2019 to January 31, 2021 for the sum of \$ 9,847.53. This amount shall be paid in 8 quarterly payments at the sum of \$ 1,230.95 per payment. The rates of service shall be:

<u>Year 1</u>	<u>Year 2</u>	
\$136.00/hr.	\$140.00/hr.	- <u>Straight Time:</u> (Monday through Friday, 8:00 a.m. – 4:30 p.m.)
\$204.00/hr.	\$210.00/hr.	- <u>Overtime:</u> (Monday through Friday, 4:30 p.m. – 12:00 midnight, and Saturday)**
\$272.00/hr.	\$280.00/hr.	- <u>Double-time:</u> (Sunday, Holidays and Monday – Friday, 12:00 a.m. to 8:00 a.m.)**

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

AUTHORIZE SUPERVISOR TO SIGN A SERVICE CONTRACT WITH AUTOMATED CONTROL LOGIC FOR ALARM MONITORING OF THE HVAC SYSTEM AT THE LIBRARY
RESOLUTION #027

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

RESOLVED, that the Town Supervisor is authorized to sign a service contract with Automated Control Logic for alarm monitoring of the HVAC systems at the John C. Hart Memorial Library for a one-year period from April 14, 2019 to April 13, 2020 at the rate of \$185.50 per month. Rates for remote and on-site technical support for the first year are as follows:

\$ 130 per hour for straight time (Monday through Friday 7 am to 3:30 pm.)
\$ 195. per hour for overtime
\$ 260. per hour Holiday time for legal holidays

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

AUTHORIZE COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFERS -
LEGAL DEPARTMENT
RESOLUTION #028

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 transfers:

Transfer the amount of \$6985.00 from Non Retainer Tax Certs line (A1420.424.1) to Foreclose/Sale line (A1420.437) to cover 2018 services from Judicial Research Corp.

Transfer the amount of \$13,361 from Litigation Outside Counsel line (A1420.439) to Professional Service line (A1420.490) to cover the remaining 2018 invoices for the Oxman Law Group.

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

TRANSPORTATION FOR SENIORS FOR YORKTOWN TEEN EVENT
RESOLUTION #029

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

RESOLVED, that the Town Board authorizes the Yorktown Nutrition Center to provide transportation to seniors to and from the Yorktown Teen Event scheduled to occur on May 3, 2019 from 5:45 PM to 9:15 PM.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH MUNICODE CODE
CORPORATION TO PROVIDE WEB HOSTING MAINTENANCE AND SUPPORT SERVICES
RESOLUTION #030

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

BE IT RESOLVED that the Town Supervisor is authorized to sign an agreement with Municode Code Corporation to provide web hosting, maintenance, and support services for the Town's website for 2019 and 2020 in the amount of \$3,000.00 per year.

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

IMA WITH TOWN OF CORTLANDT FOR DARE OFFICER
RESOLUTION #031

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

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an Intermunicipal Agreement with the Town of Cortlandt, for payment to the Town of Yorktown in the amount of \$62,000.00 per year for the DARE Officer located at the Copper Beach Middle School. This agreement is for the 2019/2020 and 2020/2021 School Year.

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

APPROVE GARBAGE LICENSE FOR SANI-PRO DISPOSAL SERVICES D/B/A SUBURBAN CARTING CO. TO SERVICE COMMERCIAL PROPERTIES IN THE TOWN OF YORKTOWN FOR THE YEAR 2019

RESOLUTION #032

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

RESOLVED, that Sani-Pro Disposal Services Corp, d/b/a Suburban Carting Co., be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2019.

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

MONTHLY REPORTS

The Town Board accepted the December 2018 Monthly Report from the Receiver of Taxes.

ADJOURN

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board Meeting was adjourned.

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