

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 5, 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  
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 Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to conduct an interview, and discuss 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

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 reported on damage from the January 18<sup>th</sup> storm. The Town sustained electrical outages in both NYSEG (total of 805 residents) and Con Edison (total of 1,231 residents) areas.

Supervisor Gilbert also reported that the pilot program with Con Edison to remove danger trees from private property along Underhill Avenue is progressing well – permission was granted by approximately 18 homeowners for the removal of 48 danger trees.

Supervisor Gilbert stated that he is following up with Altius (Cablevision) and Verizon to have them transfer their equipment and lines to the new poles installed by Con Edison and NYSEG in order to eliminate the danger from “double” poles.

Water main breaks continue to occur and are diligently responded to by the Town’s Water Department; however, this is a constant reminder that the Town has significant infrastructure issues that have been neglected for far too long and need to be addressed.

Supervisor Gilbert reminded everyone that they can sign up for the Supervisor’s Newsletter by following a link on the Town’s website.

The Economic and Business Revitalization Committee will be reporting on their progress at the Town Work Session scheduled for February 12<sup>th</sup>. This is part of Supervisor Gilbert’s request that presentations be made by the various volunteer boards and commissions at Town Board meetings.

Supervisor Gilbert mentioned his attendance at the very moving ceremony for the Four Chaplains from the transport ship, Dorchester, which was sunk during WWII. This was sponsored by the American Legion Post 1009.

Supervisor Gilbert met with new Chamber of Commerce president, Sergio Esposito, to discuss ways to further work together. Both attended the grand opening of the Goldfish Swim School at the Triangle Shopping Center.

Supervisor Gilbert was recently designated Treasurer of the Norther Westchester Joint Water Works.

The Town will know in the next few weeks if Enbridge will be able to complete the majority of their work before the onset of spring or if they will be working into Fall 2019.

Supervisor Gilbert attended the Westchester County's Senior Programs and Services meeting where various issues impacting were discussed.

Supervisor Gilbert also met with Alexa O'Rourke, the new manager at the Jefferson Valley Mall, to hear her views on the new direction she hoped to take the mall. He was able to facilitate her meeting with Greg Brown from Hilltop Hanover Farm in an attempt to revisit the farmer's market at the mall but with more local flavor featuring the Town's local farm community's produce and products.

There were two recent retirements from the Police Department: Detective George Davis and Eileen Spadafino. Supervisor Gilbert expressed the Town's thanks for jobs well done and best wishes for a happy, healthy retirement.

#### DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana reported that he also attended the Memorial for the Four Chaplains and said it was a very moving ceremony.

Councilwoman Roker reminded everyone at next week's work session the Public Safety Committee will have a presentation. If anyone has questions or issues, please contact them at Town Hall.

Councilman Patel reported that Boy Scouts from Troop 174 were attending this evening's board meeting as part of their citizenship and community merit badge. As a response to issues raised to him regarding sewer problems, he advised residents to be careful of what they dispose of through their sewer and/or septic system.

Councilman Lachterman reported the following:

- Thursday, February 7<sup>th</sup> and Friday, February 8<sup>th</sup> - Town Hall will be closed for records management
- Saturday, February 9 – Eagle Fest at Croton Point Park
- Sunday, February 10 – Sons of the American Legion Breakfast (money raised goes to veteran services in our community)
- Friday, February 15 – Senior Advisory Committee Meeting (Town Hall at 1:00 pm)

He also mentioned that the Yorktown Lions are looking for new members. Anyone interested in joining can contact the Lions at [www.yorktownlions.com](http://www.yorktownlions.com).

Councilman Lachterman thanked Officers Don Peterson and Greg Pallandino who went above and beyond duty in assisting residents who wrote to the police department lauding their actions.

Councilman Lachterman thanked Michael Kaplowitz and John Testa for their service as Westchester County Legislators who are not seeking re-election this year.

Councilman Lachterman stated that, as a Board, it is important to make their voices heard for those they represent. As a Board, they should be sending letters to local representatives to let them know what the Board is hearing from the community. Although the Board cannot address everything, there are issues that seem to be most prevalent: Immigration Protection Act, the 2 percent county property tax increase, a potential increase in county sales tax, the legalization of marijuana, and the reproductive health act. Councilman Lachterman briefly discussed his opposition to the reproductive health act, which was recently passed in New York State. He said he is also opposed, on a national level, to a discussion that is taking place that will introduce legislation that will allow how companies choose to invest their earnings by preventing stock buy-backs and limiting dividend payouts. This will effect seniors and those trying to plan for retirement. Councilman Lachterman encouraged residents to talk to Board members to let them know how they feel.

#### DURING REPORTS FROM THE HIGHWAY SUPERINTENDENT

David Paganelli said that it has been a roller coaster, weather wise. The area is expecting snow next week. Ice has been problematic and has been difficult to deal with. He asked residents to make sure that they be careful when then leave their homes that their walkways are not slippery.

#### TOWN ATTORNEY – RING ROAD/JEFFERSON VALLEY MALL

Town Attorney Richard Abbate asked to deliver a brief statement regarding comments made at the previous Board meeting regarding the ring road and the Jefferson Valley Mall. Mr. Abbate stated a lot of information and comments were given at the previous meeting that was not correct and wanted this opportunity to correct the record and give accurate information. The timeline of the ZBA: the applicant put in their application to the ZBA on June 21, 2018 and scheduled right away for their meeting on June 27<sup>th</sup>. They adjourned at that meeting and was scheduled for a public hearing at the next meeting. The public hearing was adjourned and was placed for the next meeting in September. The applicant requested an adjournment of that meeting, which was granted unanimously. They were adjourned until the next meeting in October. Again, the applicant asked for an adjournment, which was again granted unanimously, and they were scheduled for the December meeting. The applicant withdrew their application the day of that December meeting. They were sent a letter to which they never replied with specifics, just that they wished to withdraw their application. At no time did the ZBA ask for any additional plans to be submitted – they were satisfied with the plans submitted. They did ask to speak with the architect regarding safety issues because one of the variances they were asking was a request for a 5-foot setback where a 50-foot setback was required and the ZBA wanted to make sure safety would not be an issue. The ZBA never sent the applicant back to the Planning Board, so there was no back and forth as was previously stated. The ZBA did ask the applicant at the initial meeting if the building could be moved, which is a normal question – it is a threshold question. The ZBA will ask this question to see if the variances are truly needed. The applicant said they could not move the building and the process for variances was followed.

The other item that was discussed at the last Town Board meeting was if the applicant really needed the variances and the answer is yes. The zone they are in is Commercial Regional Center Special District and while that zone is controlled by the Town Board in terms of the site plan. The Town Board had every right to execute a site plan and sign off on it, which they did in November 2017. But that site plan has to conform to the Town Code, and in this case it did not conform to the Code in two aspects: 1) the 50-foot setback requirement and the site plan only had a 5-foot setback for the main building; and 2) the minimum lot size is 35 acres and their site plan had a 30-acre and an 8-acre parcel. This can be signed off on the site plan and it can go forward to project only if variances are granted through the ZBA. The Town Board does not have the right or authority to grant variances.

Mr. Abbate responded to comments made by Michael Grace at the previous Town Board meeting that the applicant was receiving bad advice, presumably by the Town Attorney. Mr. Abbate stated that the Town Attorney's office does not give legal advice to applicants; they have their own legal counsel, in this case a very large, well known land use and zoning attorneys who know what they are doing. The current Town Attorney law firm, Oxman Law Firm, did not represent the Planning Board or the Zoning Board regarding the application made by Washington Prime. Wilson & Blanchard was legal counsel for both boards during this time. The Oxman Law firm only began representing the Town in November 2018. Mr. Abbate said he was not disparaging Wilson & Blanchard because they did nothing wrong; he was just clarifying who was legal counsel to the Yorktown Zoning Board and the Yorktown Planning Board during this time.

Mr. Abbate also wanted to remind everyone why the ring road was being done. The idea behind the ring road was to make a cut-through from Route 6 onto the mall property. Originally, the NYS Department of Transportation would not allow an entrance to the mall on Route 6 but would allow a right-turn lane onto a town-owned street. So the idea was to create a town-owned street and the DOT would allow for this cut-through. The State granted permission for this on April 17, 2018. Mr. Abbate stated that he did not believe there was delay on anyone's part in this applicant's process.

Mr. Abbate thanked the Supervisor for allowing him to correct the record.

## REPORT FROM WESTCHESR COUNTY LEGISLATOR MICHAEL KAPLOWITZ

Westchester County Legislator Michael Kaplowitz came before the Town Board and remarked on the successful partnership he has had with the Yorktown Town Boards.

Mr. Kaplowitz spoke about the North 60 project – a \$1.2 billion project on 60 acres north of the Westchester Medical Center. A partnership with developer John Ferreri will bring 3,000,000 square feet of research and development and biotech facilities. It will also have a hotel; particularly for those utilizing the Medical Center. This project will bring between 8,000 to 10,000 jobs to the area.

Mr. Kaplowitz chaired for four years on the BeeLine Bus contract. After rejecting the old contract, the renegotiation of the new contract brought about \$20 million in savings.

Mr. Kaplowitz stated that working with Legislator John Testa helped to bring about the first bi-partisan Board of Legislators. This created an esprit de corps that allowed them to work with each other, as well as effectively work with the County Executive.

Mr. Kaplowitz said he strove to keep county taxes as low as possible and as reasonably balanced against needed expenditures. During his 21-year presence working with great legislators and county executives, the increase has been 2.15 percent on a compounded annual average basis.

Mr. Kaplowitz stated that the highlight of his career was the Tobacco Securitization financing of \$150 million to invest in and save the Westchester Medical Center. This enabled them to save 5,000 and continue servicing the area.

Mr. Kaplowitz continued enumerating highlights of his career as County Legislator and those that had particular meaning and success not only for himself, but for those communities he served. He said that challenges remain – the \$10,000,000 of East of Hudson money for the Hallocks Mill Sewer District, tax increase challenges, etc.

Mr. Kaplowitz said that the economy is about jobs, using common sense, recognizing the gift of public service but at the same time, keeping your eye on the ball. Accomplishments come from meeting constituents' needs with solutions that make common sense, and doing it in a cost-effective way.

### ALLIANCE FOR SAFE KIDS

Mrs. Liz Talbert, Alliance for Safe Kids, along with Chief of Police Robert Noble and some of ASK's teen volunteers, came before the Board to speak about their organization and the Save A Life event. She read the mission statement of ASK: "Our mission is to promote awareness of youth mental health and prevention of substance use and abuse and other destructive behaviors damaging to our youth. ASK is a collaboration within the community of parents, teens, educators, law enforcement, government, medical professionals, businesses, faith-based organizations, and civic groups aimed at providing youth with the information and skills needed to make healthy decisions while emphasizing the need for families to protect and nurture their children by getting informed and staying involved and by partnering with all areas of the community we collectively strengthen the safety net that protects our youth." The Alliance for Safe Kids has been in existence for 10 years and has built strong, wonderful relationships with the Town, civic associations such as the Rotary and the Lions, and the schools.

Chief Noble spoke what a vital organization is to the Town, especially in today's world. It is an imperative tool for parents, as well as the events they sponsor that put youth in a positive environment. They put teenagers in a positive environment and stress upon them in a low maintenance, easy way the need to make good decisions. He said he cannot emphasize enough how important it is for parents to attend the Save A Life on Sunday, March 3<sup>rd</sup>.

Mr. Michael Ruvo, a senior at Yorktown High School, spoke about how ASK has been an important part of his life and how it has grown over the years. He mentioned how moving the keynote speakers have been at events, and how the workshops are important.

Mr. Jack Teneri, a junior at Yorktown High School, spoke how ASK helped him, as an incoming freshman, make the right decisions regarding peer pressure.

Ms. Talbert spoke of how federal funding for ASK expired last year and they are concerned about their sustainability in Yorktown. She talked about the Save A Life event being held at Yorktown High School on March 3<sup>rd</sup>. There will be a keynote speaker and breakout workshops (Hidden in Plain Sight workshop, Youth Mental Health). It is a free event for all. Students may chose 2 out of 8 workshops.

Councilman Patel recommended a former student as a presenter at the event. Ms. Talbert agreed.

Councilman Diana thanked Ms. Talbert for all that she does. He recommended the workshops, particularly Hidden in Plain Sight.

Supervisor Gilbert said he has learned something new every year he has attended. He mentioned learning about the DNA factor in addiction.

Councilwoman Roker thanked the ASK volunteers. She said we live in a difficult time for adults, so one can only imagine how difficult it is for our children. She thanked Ms. Talbert for giving them a safe place.

Supervisor Gilbert said he is working with Congresswoman Nita Lowey regarding their funding.

Councilman Lachterman asked if people can donate via their website and was told yes. He pointed out that this organization is not only for parents and he applauded the direction they give to our youth.

#### POET LAUREATE

Mr. John McMullen recited two original poems; one regarding winter and its weather and the other about the Jefferson Valley Mall and how businesses have been taken over by the electronic age and automation and its effects on the economy.

#### DURING COURTESY OF THE FLOOR, The following people spoke:

Mr. Michael Grace, resident, came before the Board to talk about what he terms “infanticide” under the guise of the newly passed Reproductive Health Act. He stated that for him, as well as others, who believe that life begins at conception, abortion has been an “ugly reality” for decades and for those who believe that life begins at some point in utero, the struggle has been to balance access to abortion with our country’s founding fathers principles that “we are all God’s creation.” Mr. Grace continued to present his views through the history of Roe v. Wade, Planned Parenthood v. Casey, etc. and the progression of the trimester approach to permitting abortions. He said, however, that in each case it was stated that the government has a compelling reason in the preservation of life in the womb. Mr. Grace continued his speech, citing the Bible and Judeo-Christian beliefs as the basis for his belief of the soul and what abortion does to the soul. He asked the Town Board to adopt the resolution he presented them and send it to New York State to repudiate the Reproductive Health Act.

Mr. Jay Kopstein, resident, asked about the item on the agenda regarding the proposed local law regarding set-asides as part of affordable housing. He said that missing from the previous discussion about this issue was the total number of individual housing units within the town that are already affordable or below market rate through a myriad of programs (i.e., housing units built under the prior Town law, housing units built through the County program, Section 8 housing units, etc.). How many properties or housing units have had their property tax assessments reduced or eliminated because they are now considered affordable or are covered under another housing program? How many properties or housing units have assessments that would have been initially higher but were built to be specifically covered under an affordable program? What is the property tax reduction percentage from those properties or housing units that went from non-program status to a program status? What does that equate to in reduced taxes to the Town and the school districts? What is the reduced property valuation on those properties built as a program status property versus what the valuation would have been if they were built as a non-program status property? What

does that equate to in reduced taxes to the Town? He took a look at 5 random properties that the Town took over; they had a valuation decrease of 41.64%. He based his numbers on the 2016 tax rate. The fifteen year loss to the Town just on those properties is over \$400,000.

Mr. Kopstein also stated that a \$2.5 billion hole in the state budget was recently announced. He said the governor wants to eliminate aid to the towns and villages. This would mean a \$178,000 loss to Yorktown. Mr. Kopstein spoke about the increase in the County tax and that County Executive Latimer wants to install speed cameras as a source of revenue. Mr. Kopstein said that law enforcement should never be looked at as a source of revenue – it then requires law enforcement into taking action where they would have normally exercised discretion.

Mr. Mel Tanzman, resident and member of the County's Opportunities Commission, came to speak about the proposed affordable housing ordinance. He presented Diana Quast, Town Clerk, with some data regarding the number of municipalities that are participating in the CDBG (Consumer Development Block Grant program) and the cities and towns that have affordable housing ordinances. Of the municipalities that are asked to have an affordable housing ordinance, like the Model ordinance that the County has proposed, 68% of the municipalities have such an ordinance. The Town of Yorktown was just awarded \$45,000 by the County because they are a member of the CDBG. Mr. Tanzman said that he is in favor of the set-asides and stressed how important affordable housing is to our community.

Mr. Ed Ciffone, resident and President of United Taxpayers of Yorktown, thanked Michael Kaplowitz and John Testa for working together for the residents. Mr. Ciffone said everyone on the Board agreed that recreational marijuana is not good and asked for the passage of the resolution regarding this. He said he does not understand how the government can pass laws without asking the people – he referred to the Reproductive Healthcare Act. He said this is legalizing murder and asked the Board to consider a resolution conveying how they feel. Mr. Ciffone spoke about affordable housing and said 790 units were built by former County Executive Spano.

Ms. Maryann Harkins came before the Board to continue the statement read by Michael Grace. She stated that society allows the killing of children under a false and misplaced sense of compassion. Ms. Harkins believes the Reproductive Healthcare Act demeans the role of motherhood and is a stain on New York State. She stated that this act “signifies the beginning of allowing all life to become vulnerable to the arbitrary whim and fancy of political thought. It is a dangerous precedent and one in which years to come will provide little solace to those deemed infirmed, incurable, and geriatric, and perhaps also unworthy of constitutional protection.” Ms. Harkins requested the Town Board send a unanimous resolution to the State denouncing the Reproductive Healthcare Act.

Mr. Marc Lieberman, resident, stated that this is twice in a few months the former supervisor, Michael Grace, exceeded the time limit for Courtesy of the Floor. Mr. Lieberman stated that Mr. Grace was rigorous when he was supervisor in cutting people off at the 3-minute rule. Mr. Lieberman requested that the Town Board maintain this rule by not allowing anyone to exceed it since it is not fair to other speakers. Supervisor Gilbert said that, in Mr. Grace's defense, the last time this happened he was in a discussion. However; Supervisor Gilbert agreed that the Courtesy of Floor 3-minute rule should be respected.

Ms. Maria Litrenta, resident, wanted to know if Mr. Grace's resolution would be adopted this evening regarding the Reproductive Healthcare Act. Supervisor Gilbert said they have not been able to review the resolution and there are many other issues regarding the day-to-day operations of the Town that need to be addressed. However, the Board will consider the issue. Councilman Lachterman said he will make sure it is on a future agenda. Councilman Diana said it should be discussed at the next work session and moved to a public meeting, thereafter.

Mr. Dan Strauss, resident, thanked Mr. Abbate for clarifying the ring road situation. He said he did not understand why, if you are interested in getting a business into the mall, there was no follow-up. He also asked why the liaisons to the involved Boards were during this six-month period. Mr. Strauss said this is not a wealthy town and affordable housing should be placed in wealthier communities, like New Castle or Chappaqua. The Town of Yorktown

has over 700 affordable housing units; Chappaqua has a 36 unit set-aside at Chappaqua Crossing and 28 units at the train station which has not yet been built and has been fought for 9 years. Mr. Strauss said the intent of the 750 County housing units was to diversify white communities; it had nothing to do with affordable housing. He said everyone bounces around this – at the work session, at the state level, and the county level.

Mr. Rob Puff, resident, complimented the Highway Department on the work they have done over the last several weeks during extreme weather conditions. He asked about the tree ordinance that was introduced last year and its status. As a member of the Conservation Board, he has concerns about the special committee's progress. Councilwoman Roker said she spoke to Director of Planning, John Tegeder, who said he will have their proposal to the Board by the end of the month. A public hearing will need to be scheduled.

Ms. Patricia Sullivan, resident, said how there have been some very good businesses that have come in to Town. She said that it is important to stay positive since there have been some good changes. Ms. Sullivan also stated that a lot of misinformation about the Reproductive Healthcare Act was shared this evening and before the Board signs anything, it is important to note that there are a lot of women in Yorktown who feel that the Governor made a good choice and did the right thing. She also said that the governor of any state makes decisions for people of every religious background, of every economic background; he is not governing for any specific group. Ms. Sullivan said "There are women from all walks of life who will make a decision because that is their right. If anyone does not want to exercise that right they do not have to." She asked that before the Town Board makes a decision regarding the Reproductive Healthcare Act, they do extensive research first. Ms. Sullivan said the law is not what it has been made out to be here this evening.

Mr. Stewart Glass, resident, stated that the Reproductive Healthcare Act needs to be looked at carefully, because it does affect life – the life of the mother, as well.

Ms. Susan Siegel, resident and member of Advocates for a Better Yorktown (ABY), also raised the tree protection and wetlands protection law. There is a member of the ABY on the special committee formed and commented that progress has been slow. If the committee cannot come to an agreement on some issues, they can still report back to the Town Board on what is in agreement. It is the Board's decision to decide what will be in the draft law.

Mr. Paul Moskowitz, resident, said he is pleased to see that the Town Board is moving ahead with the set-aside law. He said the law tells the world that Yorktown will not be an exclusive and welcoming town.

Mr. Tony Fusco, resident, voiced his opinion that it is more important to hear the opinions of the residents than to adhere to a 3-minute rule for Courtesy of the Floor. He also voiced his opposition to the Reproductive Healthcare Act.

Mr. Rob Puff, resident, voiced his concern regarding the deadline of the tree ordinance committee. He asked the Town Board if they would consider putting a 5-year sunset provision on the law. The work of the committee is to have a final resolution. Supervisor Gilbert said they would consider this.

Mr. Gregory Bernard, resident, mentioned the recent retirement of Paul Hollopeter and believed he deserved the recognition. Mr. Bernard questioned whether or not department heads should be allowed to speak during the Town Board meetings. He said that no one accused the Oxman law firm of any wrongdoing regarding the ring road at the Jefferson Valley Mall. He said they never should have gone to the Zoning Board; the Town Board had the right to approve the 5-foot setback. He felt it was inappropriate for Mr. Abbate to speak.

Mr. William Grace said that as a former supervisor his brother deserved more respect than to be asked to keep his comments to the 3 minutes during Courtesy of the Floor. He said this is a matter of human conscience that has been expressed this evening.

Mr. Raymond St. John, resident, asked the Board to look at affordable housing in complete fairness and keep an open mind.

Mr. Steven Schaffer, resident, supported Michael Grace’s comments and his pro-life stance.

APPROVE HOMELAND TOWERS, LLC PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY ON TOWN-OWNED PROPERTY LOCATED AT 3101 QUINLAN STREET  
RESOLUTION #042

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

WHEREAS, the Town would like to enter into a Lease Agreement with Homeland Towers, LLC permitting the erection and maintenance of a 135 foot cell tower on Town-owned property located at 3101 and 3103 Quinlan Street (Tax Map Section 27.05, Parcel 1, Lot 16 & 17); and

WHEREAS, the Town and Homeland Towers, LLC would like to use certain ground space for the purpose of constructing, establishing and maintaining a radio transmission tower facility for the applicant’s use and that of its subtenants, licensees, customers and municipal service antennas at that location,; and

WHEREAS Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum;

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it further

RESOLVED that the Town Supervisor is hereby authorized to execute and deliver on behalf of the Town an Option and Ground Lease for the certain demised premises at the Property, for a period of Ten (10) years, commencing on the date of LESSEE’s exercise of the Option, with nine (9) additional five (5) year renewal terms. The annual rental for the first year of the lease is Two Thousand and 00/100 (\$2,000.00) Dollars or Thirty Five Percent (35%) collocation revenue, whichever is greater, and further

RESOLVED, that pursuant to Town Law, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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

APPROVE TAX CERTIORARI SETTLEMENT – OLD ST. GEORGE’S LLC  
RESOLUTION #043

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 15.12 Block 2 Lot 53, located at 1715 East Main Street, located on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcels 15.12-2-53 Account Number 0274100, owned by Old St. George’s LLC for assessment roll years 2012, 2013, 2014, 2015,2016, 2017 and 2018 be settled as set forth in the proposed stipulation as follows:

Section 15.12 Block 2 Lot 53

<u>Roll Year</u>	<u>Assessment From</u>	<u>Assessment To</u>	<u>Assessment Reduction</u>
2012	27,550	17,500	10,050



2013	27,550	18,500	9,050
2014	27,550	17,750	9,800
2015	27,550	18,500	9,050
2016	27,550	18,500	9,050
2017	27,550	18,750	8,800
2018	27,550	18,900	8,650

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

AUTHORIZE SUPERVISOR TO SIGN A SERVICE AGREEMENT WITH GRANICUS, INC. TO PROVIDE WEBCASTING SERVICES TO THE TOWN OF YORKTOWN  
RESOLUTION #044

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

RESOLVED, that the Town Supervisor is authorized to sign a Service Agreement with Granicus Inc. to provide webcasting services to the Town of Yorktown for a period of 12 months beginning March 17, 2019 ending March 16, 2020 at a total cost of \$7, 416.00, and

BE IT FURTHER RESOLVED, that the cost for the remaining three years of the agreement will be \$8,490.58 annually.

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

APPROVE CONFERENCE ATTENDANCE FOR THE TOWN CLERK TO ATTEND THE NEW YORK STATE ASSOCIATION OF TOWNS ANNUAL CONFERENCE AND TRAINING MEETING  
RESOLUTION #045

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

RESOLVED, that Town Clerk Diana L. Quast is approved to attend the 2019 New York State Association of Towns Annual Conference and Training Meeting to be held in New York City February 17-20, 2019.

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

APPROVE CONFERENCE ATTENDANCE FOR THE TOWN CLERK TO ATTEND THE NEW YORK STATE TOWN CLERKS ASSOCIATION ANNUAL CONFERENCE AND TRAINING MEETING  
RESOLUTION #046

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

RESOLVED, that Town Clerk Diana L. Quast is approved to attend the 2019 New York State Town Clerks Association Annual Conference and Training Meeting to be held in Syracuse, New York May 4-8, 2019.

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

APPROVE GARBAGE LICENSE FOR CRP SANITATION TO SERVICE COMMERCIAL PROPERTIES IN THE TOWN OF YORKTOWN FOR THE YEAR 2019  
RESOLUTION #047

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

RESOLVED, that CRP Sanitation 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, Diana, Lachterman Voting Aye.  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN CHASE CONNECT SYSTEM ADMINISTRATOR DESIGNATION AND LINKING FORM  
RESOLUTION #048

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

RESOLVED, that the Town Supervisor is authorized to sign the Chase Connect System Administrator Designation and Linking Form to link all Justice Court accounts to the customer profile.

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING TAX PAYMENT  
RESOLUTION #049

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

RESOLVED, that the Comptroller is authorized to refund the 2019 First Half School Tax Payment for Account #1774000 in the amount of \$42.33.

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

AUTHORIZE SUPERVISOR TO SIGN UTILITY POLE EASEMENT AND ELECTRICAL TRANSFORMER EASEMENT FOR THE BENEFIT OF NYSEG  
RESOLUTION #050

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign (i) a utility pole easement and (ii) the electrical transformer easement for the benefit of New York State Electric & Gas Corporation in connection with a certain Lease Agreement, dated August 26, 2016, between the Town of Yorktown and New York SMSA Limited Partnership d/b/a Verizon Wireless for a certain premises located at 2281 Crompond Road, Yorktown Heights, New York.

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

AUTHORIZATION FOR VETERANS EXEMPTION UNDER SECTION 458-A(10) OF THE NEW YORK REAL PROPERTY TAX LAW  
RESOLUTION #051

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

BE IT RESOLVED, the Town Board, pursuant to Section 458-a(10) of the New York Real Property Tax Law, authorizes Veterans to include those military personnel who served in the Reserve component of the United States Armed Forces that were deemed on active duty under Executive Order 11519 signed March twenty-third, nineteen hundred seventy, 35 Federal Register 5003, dated March twenty-fourth, nineteen hundred seventy and later designated by the United States Department of Defense as Operation Graphic Hand, if such member was discharged or released therefrom under honorable conditions, provided that such veteran meets all other qualifications of this section.

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

AUTHORIZE SUPERVISOR TO SIGN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, OGS AWARD 22945 TRANSIT BUSES EXTENSION OF USE APPROVAL FORM  
RESOLUTION #052

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

RESOLVED, that the Supervisor is authorized to sign the New York State Department of Transportation, OGS Award 22945 (Transit Buses) Extension of Use Approval Form. The purpose is to purchase a vehicle at the state price, under the Field Hall Foundation grant for the senior center.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE FIELD HALL FOUNDATION FOR THE PURCHASE OF A 14 PASSENGER VAN AND SERVING COUNTER FOR THE SENIOR CENTER

RESOLUTION #053

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

RESOLVED, that the Supervisor is authorized to sign an Agreement with The Field Hall Foundation in the amount of \$65,000 for the purchase of a 14 Passenger Van and Serving Counter for the Senior Center.

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

AWARD BID FOR ELECTRICAL WORK ON TOWN BUILDINGS

RESOLUTION #054

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

WHEREAS, invitation to bid for the Electrical Work on Town Buildings for Maintenance for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on January 31, 2019, with the bid amount for the above-referenced project summarized as follows:

Hanover Electric	\$95.00/\$142.50/\$170.00 (Sunday/Holiday)
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RESOLVED, that upon the recommendation of the Building Maintenance/Human Resource Specialist, Margaret Gspurning, the bid for the Electrical Work for the Town Buildings for Maintenance be and is hereby awarded to Hanover Electric, the lowest responsible bidder.

FURTHER RESOLVED, this contract is effect for one (1) year, commencing on February 5th, 2019 through February 6<sup>th</sup>, 2020 with an option for three additional one-year extensions upon its original terms and conditions.

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

AUTHORIZE THE TOWN CLERK TO REFER OUT THE PROPOSED LOCAL LAW TO ENACT CHAPTER 102 "AFFORDABLE HOUSING"

RESOLUTION #055

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

RESOLVED, that the Town Clerk is hereby authorized to refer out a Proposed Local Law to enact Chapter 102 of the Town Code entitled "Affordable Housing," establishing a new affordable housing program to the appropriate agencies.

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

MONTHLY REPORTS

The Town Board accepted the Receiver of Taxes Monthly Report for January 2019.

ADJOURN MEETING

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

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