

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 16, 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

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert led the Pledge of Allegiance.

MOMENT OF SILENCE

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

DURING REPORT FROM THE SUPERVISOR

Supervisor Gilbert announced that the Yorktown Garden Club has begun planting spring flowers in the planters along Commerce Street.

He also announced that the 9th Annual Arbor Day Celebration is to be held on Friday, April 26, 2019 on the grounds of the John C. Hart Memorial Library beginning at 4:00 p.m. and lasting about 45 minutes with a reception to follow. Activities will include a ceremonial tree planting and dedication of new plaques to recognize the trees of distinction that grace the grounds of the library. A report will also be read by students on this year's collaborative tree planting project in the Yorktown Schools. Winners of the annual Arbor Day Student Poster Contest will be announced at the ceremony. Attendees are urged to take home and plant a free tree sapling courtesy of Con Edison.

SpringFest was held this past weekend, co-sponsored by the Yorktown Chamber of Commerce and the Town, and Supervisor Gilbert said this is just one of the many events that contribute to Yorktown's reputation as a family town.

Supervisor Gilbert also reported that NAMI Westchester, an affiliate of the National Alliance on Mental Illness, will be placing ribbons along Commerce Street in May to promote mental illness awareness. He said this is a serious condition that affects a significant portion of our population. NAMI Westchester is a grassroots organization dedicated to improving the quality of life for all individuals and families whose lives are affected by mental illness. NAMI advocates for access to services, treatment, support and research and is steadfast in its commitment to raise awareness and build a community of hope for all those in need. Their vision is to create a culture where open disclosure of a mental illness does not have negative consequences in the community, schools, and the workplace.

Supervisor Gilbert announced that the Granite Knolls Sports and Recreational Facility had a limited opening this past weekend. The fields will continue to be open on a limited basis on weekends and during the week after 6:00 p.m. for use of the fields only.

Supervisor Gilbert also said site visits at potential solar farms were conducted this past weekend.

Supervisor Gilbert participated in a "Meet State, County and Local Officials for a Q&A" Luncheon at Savannah & Co. sponsored by the Yorktown Chamber of Commerce. The featured

speakers were Supervisor Gilbert, Senator Peter Harckham, Assemblyman Kevin Byrne, and County Executive George Latimer. He thanked Chamber President Sergio Esposito, Nancy Stingone – Executive Director, and Margaret Primavera for arranging this most enjoyable and informative event.

Supervisor Gilbert attended with Senator Harckham and Ken Belfer, President of the Lake Mohegan Improvement District, the start of the Pilot Program to treat Lake Mohegan with Alum (aluminum sulfate) in order to control the phosphorus levels in the lake. The alum forms a stable bond with phosphorus in the water column, precipitating it out of the water column and binding it in the sediment in the bottom of the lake so that it is not bio-available to fuel excessive algae growth in the summer. Supervisor Gilbert acknowledged the leadership of Ken Belfer, and the contributions of the various Park Districts and their Board members and the members of the Town Board that resulted in making this project possible. The contractor had a minor mishap today during distribution of the alum that will delay the treatment. We do not know at this time when treatment will resume.

Supervisor Gilbert stated that we should all acknowledge and extend our appreciation to the volunteers who picked up roadside litter during the annual “Battle of Yorktown” held last Saturday, April 13th. The morning brought rain, but did not dampen the spirits of the 655 volunteers in 96 groups who filled 889 orange bags with roadside litter & debris. That afternoon, crews in the Refuse & Recycling Department collected and disposed of the filled bags from those groups that had completed their clean-up effort. Since some groups worked on Saturday afternoon and Sunday, there are now more bags to be picked up. The Refuse & Recycling Department will be out to pick up those filled orange bags.

Supervisor Gilbert announced the AARP Tax-Aide program completed another very successful tax season at the Albert A. Capellini Community & Cultural Center.

Supervisor Gilbert congratulated David Rocco, who was a 2019 Honoree at the Arts Award Luncheon presented by Arts Westchester. He received the prestigious Lawrence Salley Photography Award for “Capturing Exceptional Moments.”

Supervisor Gilbert announced that eight unvaccinated children in Northern Westchester have been diagnosed with measles. They do not attend public schools or daycare programs. The County Department of Health recommends, in consultation with your healthcare provider, that children 6 months through 11 months of age should get an MMR (measles, mumps and rubella) vaccine now to help give them some protection against measles. They will still have to get a vaccine at 12-15 months of age and again at 4-6 years of age.

Supervisor Gilbert said that State Senator Harckham’s Mobile Office will be coming to Yorktown on Wednesday, April 24. They will be available to meet with constituents who need assistance at the John C. Hart Library between 10 a.m. and 2 p.m. There is no need for an appointment – just drop by.

Supervisor Gilbert announced there will be a Poetry Workshop with John F. McMullen, Poet Laureate of Yorktown, every month on the fourth Wednesday of the month from 6pm to 8pm at the John C. Hart Memorial Library. Registration is required with space limited. You can register online. Registration is required and space is limited; register online or at the reference desk of the Library. Please bring 12 copies of a poem that you will read.

REPORTS FROM THE TOWN COUNCIL

Councilman Patel asked for residents to consider visiting the Thrift Shop at the Albert A. Capellini Community & Cultural Center. All proceeds go to feeding the hungry.

Councilman Lachterman reported that NAMI Westchester also sponsors walk-a-thons in the Rye beach area, if anyone is interested. Councilman Lachterman announced the following events: Friday, April 26 – the Senior Advisory meeting will be held at Town Hall at 1:00 p.m.; the Arbor Day Celebration will be held at 4:00 p.m. at the J.C. Hart Library. April 28, 2019 – My Brother Vinnie will hold their walk-a-thon at FDR Park for veterans’ services. Registration will be at 10:00 a.m., the walk at 11:00 a.m., and a barbeque at noon. May 2 – the Holocaust remembrance event will be held at the American Legion Post. The event will be televised on the local channel. May 3 – the Teen Center will have their Fiesta Raffle Night at the AACCCC from 6:30 to 9:30

p.m. May 5 – Sons of the American Legion will be holding their breakfast (this year's theme is celebrating Cinco de Mayo). Entrance is \$8.00 per person and proceeds go to support various veteran groups and active military. He announced that if anyone missed the Battle of Yorktown, the Yorktown Lions will be doing their cleanup this coming Saturday. He wished all a happy holiday.

Supervisor Gilbert said that on May 5 the American Federation of Suicide Prevention will hold their annual "Hike for Hope" at FDR Park, Field 4.

SAFE SLEEP FOR INFANTS INITIATIVE

Nurses from the New York Presbyterian/Hudson Valley Hospital did a presentation on the "Safe Sleep for Infants" initiative. Kate Marino, a NICU nurse, said their goal is to teach everyone about safe sleep for babies.

Ms. Kristen Kenny, a Neonatal nurse presented the ABC's of safe sleep: Alone – there should be nothing in the crib; the baby should be wrapped snugly in a sleeper or blanket. Back – babies should always sleep on their backs, which is contrary to past belief but new studies confirm that babies are normally nose breathers and while on their backs, they can turn their heads to cough or spit up if they need to. This cannot be done if they are on their stomachs or their sides. Crib – babies should sleep on a firm surface, sheets should be tight, and the mattress should fit snugly into the crib.

Ms. Maria DeDvukaj – NICU unit secretary, spoke of devices such as bouncy seats, pack and plays, and swings that should not be used for routine sleep. Bumpers, pillows, and wedges should not be used. Do not expose babies to cigarette smoke. Sleeping temperatures should be comfortable and not too hot.

Ms. Casey Ford, Patient Care Director of Maternal-Child health expressed her pride in her staff for sharing their information and their efforts to educate the public.

Ms. Marino said 3,500 babies died from sleep-related deaths last year – all from unsafe sleep positions in bed. They are trying through education to save babies' lives. No one should sleep with the baby – the safest place is in their own crib.

Ms. Kenny said all parents are given CPR training before the baby is released from the hospital. A baby may sleep in the room with parents but not in the same bed. A bassinet can be moved directly next to parents bed, if they so choose.

Councilwoman Roker spoke of how important it is to have this kind of education for parents, particularly new parents who just do not have anyone to educate them.

ALLIANCE FOR SAVE KIDS – SAVE-A-LIFE RECAP & "NO LETTING GO" EVENT - APRIL 29, 2019

Mrs. Liz Talbert, Alliance for Safe Kids, came to speak about the Save-A-Life event that was held on March 3. The number of students, adults, exhibitors, and volunteers who attended totaled approximately 450 people. She presented the 4th annual community resource guide to the Board and community members. It contains vital information about topics that ASK addresses in their programs and topics. Mrs. Talbert spoke of the expertise of the presenters at the Save-A-Life event. Since the Save-A-Life event, they offered a youth mental health first aid training course to ten community members (3 of which are teenagers). The course helps to recognize the signs and symptoms of a mental health issue. In addition, they partnered with the Yorktown Central School District and brought in a speaker, Dr. Dewey, who spoke about addiction and the developing teenage brain. Looking ahead to April 23, Ms. Talbert said that ASK is again partnering with the Yorktown Central School District to bring in a speaker, Jacy Good, who will address distracted driving and teens.

Mrs. Talbert said ASK has partnered with the Yorktown Rotary Club and the Town of Yorktown to bring to the public a screening of the full-length film "No Letting Go" on April 29th at the Yorktown Stage. The film is about a family's struggle with youth mental health. The founder of the Youth Mental Health Project, Randy Silverman, tells her personal story of dealing with mental illness within her family and will be present for a facilitated discussion after the movie. Mrs. Talbert said this is a very important film in the mental health

community. It is free to the public but reservations are required – please contact the Alliance for Safe Kids. The event runs from 6:30 p.m. to 9:30 p.m.

CORNELL COOPERATIVE EXTENSION – ENERGY SOLUTIONS FOR NEW YORKERS

Mr. Colin Adkins, an energy and environment resource educator with Cornell Cooperative Extension, works on a regional project that serves Westchester County and the other six counties in the Mid-Hudson Region. He is a local community energy advisor and is here to help residents, non-profits, and small businesses make informed energy decision and gain access to the many programs and incentives that are available through New York State. Mr. Adkins had a slide presentation that addressed energy efficiency and how now is a good time to start thinking about how to be more efficient. He talked about the various residential energy efficiency programs that exist through the state. New York State Energy Research and Development Authority (NYSERDA) is offering incentives for programs to help communities, businesses, and individuals access reliable clean energy alternatives to natural gas, in lieu of Con Edison's moratorium on natural gas hookups. Mr. Adkins explained how his organization can assist in matching up a client to the right program, to setting up energy assessments, and obtaining the proper contractor. He said that, overall, energy is a fundamental need essential to our wellbeing and health. Mr. Adkins gave contact information for the Community Energy Engagement Program (CEEP) for those interested.

Councilman Diana asked why Con Edison has a moratorium on natural gas. Mr. Adkins said that his understanding was that Con Edison was having problems meeting peak demand and, therefore, put a halt to new customers.

Supervisor Gilbert said that Yorktown is not affected by the moratorium; areas just south of Yorktown are affected.

Mr. Adkins said there are programs that most people can investigate, regardless of income. They believe on energy literacy – showing people that there are things that they can do themselves to help reduce energy consumption (e.g. – assessing your home's insulation). NYSERDA can be contacted for more information.

POET LAUREATE

Yorktown Poet Laureate, John McMullen, recited his original poem, “My Political Dream.”

COURTESY OF THE FLOOR

The following members of the public spoke:

Mr. Jay Kopstein (resident) commented on the negatives of the political season, including truths, half-truths, innuendo, and obfuscation. Truth or half-truth: Yorktown did not apply for a 2018-2019 New York State Local Waterfront Revitalization Plan Grant. He said that this is a half-truth – Yorktown did not apply because it was not eligible. Truth or half-truth: there was \$14 million dollars available in 2018-2019 Waterfront Revitalization Plan Grant funding available. He said this is a half-truth - \$14 million was the state-wide total and, in any event, Yorktown was not eligible. Truth or half-truth: Yorktown did not plan for local waterfront revitalization. Mr. Kopstein said this is false – not only were there several plans for revitalization on the table, these plans are being implemented right now.

Mr. Kopstein said that the town board consists of four legislators and one supervisor/legislator. Only the Supervisor is responsible for the daily operation and administration of the Town. The legislators should adhere to their responsibilities of legislating and inquiry.

Mr. Kopstein asked the Town Clerk to get a copy of JCOP (Joint Commission on Public Ethics) and send it to the Board members.

Mr. Paul Moskowitz (resident) commented on the proposed local law regarding solar installations. He is fully behind replacing fossil fuels with renewable energy. Solar power is a good way to do that – we should encourage people to install solar on their own homes, if practical. We should also encourage the installation of solar arrays on our unused commercial properties. He visited two proposed sites for solar farms. He is surprised that the two sites are in residential areas, not commercial properties. He quoted from the proposed law: “large scale solar energy systems are permitted through the issuance of a special use permit within an R-1,

R-2, and R-3 zoning districts.” This means if you want to take your two-acre or larger site and bulldoze it and put up a solar array you can. All you need is a special use permit that the Planning Board cannot refuse since it is in the code. There is no mention in the proposed law of commercial sites or any other zoned sites in Yorktown. This is encouraging an industrial use in residential neighborhoods. Mr. Moskowitz read: “All ordinances, local laws, and parts thereof, inconsistent with this local law are hereby repealed.” Mr. Moskowitz said that there go half the laws of the Town of Yorktown out the window.

Mr. Bill Kellner (Arbor Day Planning Committee) said that one of the great Yorktown traditions every spring is the Arbor Day Celebration. This year the annual celebration will be held on April 26, 2019 at the John C. Hart Memorial Library. He invited all of the Board and all residents to the celebration. He mentioned the theme of the celebration and some of the activities.

Mr. Ken Belfer (Lake Mohegan Improvement District) acknowledged their local hero, Joe Augustinelli, who cleans up around the entire lake. During the Battle of Yorktown clean-up event, the Lake Mohegan Improvement District members cleaned up the town-owned parkland area located between the childcare center and the lake, as well as a clean-up at the old Holland Sporting Club site.

Mr. Belfer stated that he does not see Mohegan Lake as a political issue – all “sides of the aisle” have supported maintaining the lake that needs all the help it can get. He appreciates all ideas and attention regarding the lake. He said that this morning there was a press conference at the lake with Senator Harckham to recognize the allocation of state funds for what they hope will be used to clean up the phosphorous in the lake that has accumulated over decades. The barge that was loaded with the alum to treat the phosphorous and, unfortunately, tipped over. The alum did get into the lake and DEC, who were also onsite, were notified. There was no negative environmental impact to the lake. The bad news is that treatment is over because it is dependent upon the \$20,000 worth of electrical equipment that was on the barge that is now at the bottom of the lake and is undoubtedly ruined. Yorktown Auto Body was called out and was able to flip the barge over and remove it from the lake. Solitude Lake Management (another company who does alum treatments) was present at the lake when this happened has now partnered with the Lake Mohegan Improvement District to continue with the alum treatment.

Mr. Michael Epting, Allan Avenue resident, spoke for himself and neighborhood residents who have concerns about the home being built on Allan Avenue. There are three areas of concern for the residents: traffic and logistics, parking, and drainage.

Traffic and Logistics – building this home will add additional cars and trucks to an already narrow street and increase the hazards to pedestrians, children, and dog walkers. They do appreciate Councilwoman Roker’s suggestion to include in the resolution that a police presence be posted to direct traffic and maintain safety. They are concerned with overhead electrical cables (NYSEG & cable companies) when moving high profile equipment like cranes with modular homes. The neighborhood has already lost power several times over the winter due to downed tree limbs. They are concerned they may be facing power outages again.

Parking – the residents would like to know where workers will park their vehicles. There is virtually no room on Allan Avenue in front of the lot and parking is scarce along this section of the road. The neighborhood has not heard of any plans on how to address this issue. In addition, there are no street level parking spaces shown on the construction plans. Mr. Epting said every house on the east side of Allan Avenue, including his own, has a steep downward slope and provisions were made for on-street parking in the winter.

Drainage – they have many discussions regarding the infiltration system that is designed to capture the runoff from the lot to prevent flooding of downhill neighbors. Maintenance and inspection of this system seems to be a critical piece and while this is the homeowner’s responsibility, it is really the job for professionals. Mr. Epting said that although they do not know the cost of the maintenance and inspection, the fear is that a young family may defer this responsibility for an extended time due to budgeting priorities. He does not feel this issue has been fully resolved.

Mr. Epting asked the Town Board to delay approval and make sure these issues have been completely addressed.

Ms. Sunitha Howard, Library Trustee, said that on behalf on of the Library Board of Trustees she wanted to express their pleasure to see the resolution to upgrade the Staff Assistant job title at the library on the agenda. The Library Board hopes the Town Board will support the Library Director, Pat Hallinan, and her recommendation to make the change that will, in the end, save the Town money. The Library Board unanimously voted for this change in December 2018 after two months of careful deliberation.

Mr. John Campobasso, resident, said that he noticed Con Edison is back doing work on Gomer Street and he thanked the police for controlling the traffic there. Mr. Campobasso, who is also the president of the Yorktown Athletic Club, brought up the soft opening of the fields at the Granite Knolls Sports and Recreational Facility this past weekend. He said approximately 250 children played lacrosse and baseball and enjoyed the facility. He said there are so many things for people of all ages that everyone should visit. He thanked the Town Board and the Parks & Recreation Department for making this possible. He particularly thanked Parks & Recreation Department Superintendent Todd Orłowski and the Recreation Commission.

Mr. Marc Lieberman, resident, announced a little known activity the Town sponsors: the weekly bridge game held in the Sparkle Lake Community Room. They have lost some players over the last year and for anyone interested, the game is held on Wednesdays from 1:00 p.m. to 4:00 p.m.

Ms. Susan Siegel, resident, asked the members of the Town Board to postpone voting on the RPG-Allan Avenue Stormwater Permit until they have a revised resolution in writing. She said there are two missing provisions: the police presence and the maintenance agreement. The maintenance agreement needs to be reviewed by the Town Board to ensure proper inspections are held on a yearly basis. Ms. Siegel stated her reasons why this is so important to not just the homeowner but to the surrounding neighbors. She also said this is important to review now because these onsite infiltration systems are becoming the norm.

Mr. Ed Ciffone, resident, said that the Town has the responsibility to tell the gas company to move the pigging station that is near the Granite Knolls Sports and Recreational Facility. It was only supposed to be there for a year. Mr. Ciffone also raised the issue of the Hallocks Mill Sewer District. He said he believed there was supposed to present a plan and a resolution on who is getting the new sewers and he does not see it on the agenda. He would like a copy of this because he believes the residents do not know what the real cost will be. Mr. Ciffone said that he recognizes the amount of work to be done at the courthouse where he works; however it is becoming an unhealthy environment. He would like to see this remedied sooner rather than later.

Mr. David Zaslow, youth sports volunteer and former board member of the YAC, said Parks & Recreation Commissioners Diana Quast and Al Avitable, as well as Parks & Recreation Department Superintendent Todd Orłowski were always willing to listen and were always supportive of their request for a 60-90' diamond for the baseball program. He said they always considered helping the club with money and fixing of the existing fields. Mr. Zaslow said the results may not have always been perfect, but they were always in their corner thinking of ways to help the club in their quest for baseball fields. He walked the new fields at the Granite Knolls Sports and Recreational Facility this past weekend and was amazed. He thanked the Parks and Recreation Commission and the Town Board for staying the course and seeing this amazing project through to completion. Mr. Zaslow said he helps run a baseball league in the Hudson Valley area and this facility is, by far, the finest community-driven project in the Hudson Valley Region. He said the Board should be proud of what they have given to the community: a place to play for the children, have fun, and grow up safely.

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

Councilman Lachterman commented on the police presence in the Gomer Street/Con Edison area and said they are doing a great job. He said the courthouse repairs are being done because it is the right thing to do and not because this is an election year.

Councilwoman Roker addressed Susan Siegel's comments regarding drainage and traffic issues. She said she understands the neighbors' concerns and inquiries with the engineer will be made.

Councilman Diana thanked members of the Parks and Recreation Commission, the YAC, and the SOAC for the remarkable work they do for the children in the community. Councilman Patel also expressed his appreciation.

Supervisor Gilbert mentioned that the pigging station at Granite Knolls will be removed when they are finished with their work in September.

WORK SESSION
RECREATION COMMISSION

Al Avitable, Vice-Chair of the Parks and Recreation Commission, along with Commission member Matt Talbert and Superintendent Todd Orłowski came before the Board to give a summary of where the Granite Knolls project is in its completion. From the contractor's point of view, the project is 95% done; from the Commission's point of view, it is 90% done. There was a premier opening last weekend (restricted use). The Commission is submitting an application to the National Parks Association for an award for the facility. Mr. Avitable wanted to stress that, although this park seems to be geared towards children, the part they are working on now is geared to seniors. The pavilion is being finished and a gaming area will be designated to include a putting green, bocce court, a shuffleboard court, chess tables, etc.

Councilwoman Roker asked when the facility is going to be completely open. Mr. Avitable said most likely three to four weeks. They would like to install a playground but currently do not have the money. He would like the Town Board to consider a traffic light at Stoney Street because the concern is when there are multiple events occurring at the same time. Parking is also a concern during multiple events. Mr. Avitable also said the location is too remote to not have security cameras there – a bid is currently out for surveillance cameras.

Mr. Avitable said they are trying to restrict the use of the fields so that they do not interfere with the contractor. The weekends are the easiest time since the contractor is not there. He explained how communications work with the contractor so that they ensure they are doing the right thing (i.e., goes through the Town Attorney and the Town Engineer).

Supervisor Gilbert asked that when an event is scheduled and when the final opening is scheduled, Superintendent Orłowski inform the Town Board.

Mr. Matt Talbert said we should not forget that this was a huge joint effort by many Town departments: Parks & Recreation, Highway Department, Building and Grounds, etc. Everyone helped to keep the costs down and kept the project moving forward.

Superintendent Todd Orłowski said this could not have been done without the support of the Parks & Recreation Commission and the Town Board. He reiterated how this was a group effort and thanked the sports clubs for their kind words. He said they cannot wait for the other components to be completed so that the whole community can enjoy the facility.

APPROVE UPGRADE TO THE POSITION OF STAFF ASSISTANT LIBRARY FROM GRADE 10, STEP 5 TO GRADE 14, STEP 1

RESOLUTION #149

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

Be It Resolved that, at the request of the Board of Trustees of the John C. Hart Memorial Library, the position of Staff Assistant Library be upgraded from grade 10 step 5 to grade 14 step 1 in the CSEA pay scale contained in the Agreement by and between the Town of Yorktown and CSEA, Local 1000 AFSCME, AFL-CIO January 1, 2016 – December 31, 2019. This rate of pay shall be effective as of pay period 8 which began on April 6, 2019.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #150

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

Be It Resolved, that the Comptroller is hereby authorized to process the following transfer:

From
\$11,316.61 Refuse & Recycling - Fund Balance

To
\$11,316.61 SR8160.450 Refuse & Recycling – Dumping Fees

For the December 2018 payment to Westchester County for solid waste disposal processed in 2019 in error.

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

AUTHORIZE SUPERVISOR TO SIGN A REVOCABLE LICENSE AGREEMENT WITH DEENA GOLDSMITH AND PRESTON GOLDSMITH AUTHORIZING ENTRY UPON A PORTION OF THE TOWN'S RIGHT-OF-WAY

RESOLUTION #151

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

RESOLVED, the Town Supervisor is authorized to sign a revocable license agreement with Deena Goldsmith and Preston Goldsmith, authorizing entry upon, improvement of, and use of, a portion of the Town's right-of-way adjacent to the parcel owned by Deena Goldsmith and Preston Goldsmith, located at 1263 Aspen Road (Section 5.17 Block 1 Lot 12) (the "Goldsmith Property") for the purposes of obtaining a Certificate of Occupancy for an existing pavilion structure which is located partially on the Goldsmith Property and partially on the Town's right-of-way.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE YORKTOWN JEWISH CENTER FOR THE USE OF 75 FOLDING CHAIRS

RESOLUTION #152

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

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement with the Yorktown Jewish Center for the use of 75 folding chairs to be used at the Town of Yorktown Landmark Preservation Commission symposium to be held on May 8, 2019 at Hanover Hilltop Farm. There is no fee for the use of the chairs.

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

CELL PHONE USE POLICY FOR ALL TOWN EMPLOYEES

The resolution to approve a cell phone use policy for all town employees was tabled due to an objection of some of its language by the CSEA. It will be on a future agenda.

AUTHORIZE SUPERVISOR TO SIGN AN AMENDMENT TO THE AGREEMENT FOR TOWING SERVICE WITH YORKTOWN AUTO BODY, INC.

RESOLUTION #153

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

RESOLVED that the Town Board authorizes the Supervisor to sign an Amendment to the Agreement for Towing Service with Yorktown Auto Body, Inc. extending the Agreement for a period of one year.

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

AUTHORIZE HIGHWAY DEPARTMENT TO MOVE MILLSTONE FROM YORKTOWN CENTRAL SCHOOL DISTRICT PROPERTY

RESOLUTION #154

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

RESOLVED, the Town Board directs and authorizes the Highway Department to move a millstone from Yorktown Central School District property and place it in Patriot Garden.

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

APPROVE CONDITIONS FOR STORMWATER MANAGEMENT PERMIT AND TREE REMOVAL PERMIT FOR ALLAN AVENUE - RPG PROPERTIES

This resolution will be tabled until the next work session. Councilman Lachterman had reservations since the Town Engineer has reviewed this project and the building has gone above what is required to satisfy the drainage issue. Councilwoman Roker said she objected to the word “major” used to describe the kind of earth-moving activity that would require a police presence. She said she did not want the activity to be defined in this way – when trucks are present, there should be a police presence.

Supervisor Gilbert said there is a difference between what is in the agenda vs. what is in a new memo that the Town Board was given. He said the permit should be tabled until this is straightened out.

Upon motion made by Supervisor Gilbert, seconded by Councilman Lachterman, the stormwater management permit and tree removal permit for the Allan Avenue-RPG Properties was adjourned until the next meeting.

SITE PLAN AND BOND & FEE ACCEPTANCE – MOHEGAN LAKE AUDI RESOLUTION #155

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

WHEREAS:

1. Mohegan Lake Motors dba Mohegan Lake Audi as applicant, provided the Town with Philadelphia Insurance Companies Bond #PB00002700043 in the amount of \$100,000.00, to serve as the Performance Bond for Permit #WP-FSWPPP-003-19 at property located at the Route 6 location, and
2. Mohegan Lake Motors dba Mohegan Lake Motors, LLC, as applicant, provided the Town with check #116646 in the amount of \$33,600.00, to serve as the required 8% Inspection Fee for permit #WP-FSWPPP-003-19, and
3. The documentation submitted by the Applicant was referred to the Town Attorney and Town Comptroller for review and acceptance as to form.

NOW, THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Town permits, i.e. payment of non-refundable Engineering Department inspection fees and delivery of the required project performance bond have been satisfied and that the Town Comptroller is authorized to accept the above referenced project bonds and fee.

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

PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL DESIGN & RESEARCH, D.P.C. TO ASSIST TOWN IN RESOLVING NYSDEC VIOLATION

Town Engineer Michael Quinn explained that the money (\$16,000) for this was previously approved by the Town Board. At the time the resolution was passed, Mr. Quinn assigned this to the engineering budget code when it should have been assigned to the sewer budget code – this was done in late 2018. Because the contracts were never signed, the monies were released at the end of last year. It is the same amount and the same agreement, only assigning it to the sewer budget and using 2019 funds.

Councilwoman Roker asked if this is a recommendation from Mr. Butterworth’s company. Mr. Quinn said yes, this is the same agreement.

AUTHORIZATION TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL DESIGN & RESEARCH, D.P.C. TO ASSIST TOWN IN RESOLVING NYSDEC VIOLATION
RESOLUTION #156

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

WHEREAS,

1. The Town Engineer and the Town Attorney have been working with representatives from NYSDEC to resolve a violation received in regards to the wastewater treatment plant and sewer collection system. The violation issued in December 2016 related to sanitary sewer overflows in the vicinity of Hill & Lee Blvd and the Farmwalk Pump Station. The Town was also cited for various issues at the treatment plant in August 2018.
2. Sewer Department personnel have performed numerous tasks over the past two years to improve operations and maintenance of the collection system, including video inspection, heavy cleaning, more frequent flushing and smoke testing of the pipelines where problems have occurred. We would like to work with engineers from Environmental Design & Research (EDR) to assist us in resolving the matter with NYSDEC. The staff we will be working with from EDR were formally employed with Stearns & Wheeler/GHD and have institutional knowledge of the Yorktown sewer system as well as experience working with NYSDEC to resolve violation notices.
3. The scope of work will be as follows: (1) attend meetings and communicate with representatives of NYSDEC; (2) assist the Town in developing computerized work orders for documentation of various tasks cited by the NYSDEC at the wastewater treatment plant; and (3) prepare a technical memorandum summarizing the current operating conditions of the odor control system and recommending repair and/or replacement options.
4. The professional engineering services to be provided by EDR will be on an hourly rate basis in the not-to-exceed amount of \$16,500.
5. In the professional opinion of the Town Engineer, EDR provided a fair and reasonable proposal for professional services. We note the firm is uniquely qualified in that they have professionals that have already worked on Town sewer evaluations and studies and have institutional knowledge of the Town's sewer infrastructure having successfully completed many previous Town projects. They were also having strong working relationships with the officials from NYSDEC and the Westchester County Health Department.
6. This work will be assigned to Budget Code YS8130.490 Professional Services and will require a transfer from the Sewer Fund Balance in the amount of \$16,500.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Environmental Design & Research, D.P.C. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$16,500. And the Town Comptroller is authorized to transfer \$16,500 from Sewer Fund Balance into Budget Code YS8130.490 Professional Services.

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

WEYANT PROPERTY UPDATE

Mr. John DeVito, developer for the Weyant Property, came before the Board to give an update on where the project stands. Mr. DeVito said they there to bring everybody up to date and to answer any questions. He gave the Board all of the plans for the project (lighting, landscaping, drainage, etc.). John McDonald, a resident in the area of the Weyant, joined the Town Board discussion. Mr. DeVito displayed the plans and explained them to the Board. The plans showed the parking and emergency exits, as well. Mr. DeVito said that the plans also now address the

Department of Transportation issues. The project went from 2 buildings of 36 units to 23 units of townhouses. These units will be single story and two story residences. Since he was last before the Board, Mr. DeVito said all of the engineering has been completed and he has spent much time with the DOT in Poughkeepsie. The master plan for all of the traffic study for Yorktown – this project represents the first piece of the master plan. Mr. DeVito went on to explain the proposed traffic changes involving the Roma Building and Route 202 and Route 35. They have to give the DOT 17 feet of land for turning lanes. Giving the DOT land requires much work and expense to the developer. It then goes to the Attorney General’s Office who accepts the land.

Supervisor Gilbert acknowledged that these extra expenses incurred by Mr. DeVito are a result of the Town Board asking for the study and the changes.

Mr. DeVito showed a lighting plan that will give zero light disturbance to the neighbors and will be presenting a landscaping plan to the Planning Board next week.

Councilwoman Roker said she does not think that people understand the responsibility Mr. DeVito incurred when taking on the master plan. Director of Planning John Tegeder the master plan solves problems for the Town and the Town at large. He explained that you cannot do that when you are developing sites unto themselves without looking at the impact to your neighbors, etc. He said what the Town Board asked Mr. DeVito to do regarding the master plan was a wise decision. This site plan, in terms of the traffic, will work much better; it is helping the Triangle Circle much better and this is the right thing to do. The Roma Building will also be contributing, as well as some other properties in the area.

Supervisor Gilbert said part of the reason for this mini master plan for this area was to also create safe walkability into the Town and this will help to accomplish this.

Mr. DeVito then addressed the infiltrator that will be installed that has a specially designed pit that will collect all of the oils and non-environmentally friendly substances. A maintenance agreement will stipulate that it will be pumped out twice a year. This will be part of their resolution. He discussed the need for the filtration system which will be reviewed by the Town Engineer and the DEP. Mr. DeVito said there is a sewer main that currently runs on the property with a manhole and a six-inch main. They are proposing to install a six-inch line but if they needed to increase the line, he will be willing to do that.

Supervisor Gilbert raised the concerns that the Town Engineer had regarding sewer and wastewater on this project which is within the Hallocks Mill Sewer District. The Town has a plant which that has a capacity for 2.5 million gallons per day and the current permit allows 1.5 million gallons per day. As a result of the third wettest year in recorded history, the Town is very close to its maximum (although it is decreasing). The Town needs to increase the SPEDES permit so we are not close to the “precipice” moment. He understands that the Town Engineer would like to see any applicant who is adding to inflow have mitigation or remediation applied along with the issuance of the permits.

Councilwoman Roker said this is the Town Board’s responsibility to require/ask for mitigation, not the Town Engineer’s. Nor is the Planning Board the lead agency on this project; the Town Board is the lead agency. The idea of a developer to share in this cost, when this developer has already put more out on the table than any other developer has – this is a decision to be made by the Town Board not the Town Engineer. Councilwoman Roker said that years ago in a meeting with the DEP regarding increasing the SPEDES permit, she remembers being told that by the DEP that if the Town knows what they need to do, they should begin the process. Councilwoman Roker said since the Town has started that process, i.e., work on the pump stations, the study done on the sewer areas, etc., maybe now is the time to bring in the DEC and DEP and say that in order to continue our planning of the Town, we need you to look at what we are doing and consider if our good faith allows the permit to be raised.

Supervisor Gilbert said he believes Mr. Quinn was right to bring it to the Town Board’s attention but it is their responsibility to put those demands on the developer, if they agree. This project will not contribute in any substantial way to the inflow numbers.

Councilwoman Roker asked if the actual dollar cost to the resident is ready regarding the Hallocks Mill Sewer District project. Mr. Quinn said there is a draft petition he is reviewing with the Supervisor. Mr. Quinn said that 30% of Hallocks Mill does not have the ability to connect to the sewers and all of these small in-fill project taken together do add a significant increase. He said that is what he was trying to bring to the Board. When Hallocks Mill Sewer District is fully built out there are identified sections that are not large enough to handle the flow. There will be costs down the road. Mr. Quinn said that when the Town goes to ask for an increase in the SPEDES permit, the DEP is also looking for the Town to be doing the normal maintenance that they are supposed to be doing to stop inflow and infiltration, groundwater, and illegal sewer hookups from overwhelming our plant every time it rains. Mr. Quinn said the Town was brought up to its limit during the recent wet weather and even though it has leveled off, climate change ensures that this will continue. If the Town starts to exceed the permit, the Town opens itself up to violations and the State can come in and say the Town is not allowed any new connections. It is a holistic review that needs to be done.

Councilwoman Roker said that this should be a discussion for a separate meeting so that this kind of overview can be discussed. A discussion of money for projects took place.

Councilman Diana said the Board knew the additional 6,000 gallons of inflow were always part of the project. He said Mr. DeVito has done everything asked of him so that things would flow better. Councilman Diana said that the Town Engineer has been aware of this since the project's inception, through the referral process.

Supervisor Gilbert asked Mr. Tegeder if the Planning Board looks at this aspect of a project: the impact of a project on water usage and inflow. He said it would be part of their referral process.

Councilman Diana asked Mr. DeVito when they would be "shovel ready" on this project. He said approximate a year and a half. Councilman Diana said this should be enough time to come up with solutions to any issues.

Councilwoman Roker said she would like to see the project move forward, as well as the improvements to the Hallocks Mill Sewer Project.

Councilwoman Roker held a discussion with Mr. Quinn regarding the Hallocks Mill Sewer District Project.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into an Executive Session to discuss litigation and negotiations and the meeting will be adjourned thereafter.

ADJOURN

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

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK