

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 9, 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 Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to conduct interviews, to discuss individual personnel matters, as well as litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the first graders visiting from the Brookside School.

DISCUSSION ITEMS

SUSTAINABLE PROJECT – BROOKSIDE SCHOOL STUDENTS

Mr. Joe Cassarini, Assistant Principal of the Brookside Elementary School, came before the Board to discuss their project called “Please Don’t Feed the Bag Monster.” The project arose from a conversation regarding the UN Sustainable Goals and the upcoming Earth Day. The Brookside Library Media Specialist, Ms. Renee Menzi, introduced the book, One Plastic Bag, around which the project was centered. He introduced the first grade students who presented their part in the project about recycling plastic bags. The students spoke about what they learned about how plastic bags affect the environment and Yorktown’s recycling efforts. Renee Menzi talked about the book the children read and what they learned. She is hoping to see more bans on single use plastic bags. The author of One Plastic Bag, Miranda Paul, wrote a letter expressing her admiration for the children and what they have accomplished and what they can do for the future. Mr. Cassarini expressed his thanks to the Board for the opportunity to present this project.

Each Board member thanked the children for their lesson on recycling and their hard work.

Supervisor Gilbert announced the Westchester County Mobile Shredder will be at the Shrub Oak Park on Friday, April 12, from 10:00 a.m. to 1:00 p.m.

REQUEST FOR REZONING - OLD HILL FARM PROPERTY - DP YORKTOWN, LLC

Mr. David Steinmetz, attorney for the applicant, came before the Board to update them on their rezoning application. Dr. Philip Greeley has conducted a comprehensive traffic, parking, and circulation analysis of the area that was requested by the Town Board and the Planning Board. Their request is to rezone the Old Hill Farm property, which is currently in the R-20 zone into the R-G zone that would allow the development of 150 rental units. Mr. Steinmetz said this evening Dr. Greeley will summarize the traffic study. He said that the Board made it clear at the last meeting the importance of trying to achieve some connectivity from their site to the surrounding area (the Club Fit area and Bank Street). He said his clients have spent a great deal of time with the owners of Club Fit trying to see if there was a way to secure either an acquisition of property or an easement out to Bank Road. This has not happened yet. Mr. Steinmetz stated that their team will construct this site with a full access up to the property line so that if the Toys R Us section does get redeveloped, they will be there to connect to it. They would love to see these new residents to be able to walk and/or drive out to Bank Road. There is a lot of pedestrian circulation that could be generated and the local economy could be stimulated.

Supervisor Gilbert said that the Board may be able to meet with the Club Fit owner to see if they could facilitate the efforts to achieve the connectivity to Bank Street. Mr. Steinmetz said that would be much appreciated since access to Bank Street is much less complicated than access to Hill Boulevard.

Mr. Diego Villareal displayed maps and plans demonstrating possible connectivity to Bank Road. Dr. Phil Greeley, Maser Consulting, presented the traffic study that was done in the area (along East Main street corridor, Hill Boulevard, Route 6, Lee Boulevard). Existing conditions am/pm peak hours, speeds in the area. Areas for future signalization were identified and conditions will continue to be monitored. Traffic calming devices (signing, striping, etc.) were suggested in order to address speeds along East Main Street. These recommendations will move forward with the Planning Board. Areas where sidewalks would be beneficial were identified.

Councilman Patel asked about the distance to the powers lines from the proposed buildings and was told approximately 200 feet to the nearest power line, which is within the range for building.

Councilwoman Roker asked if they would help get a traffic light at Hill Boulevard and East Main Street and both Dr. Greeley and Mr. Steinmetz said yes. Ms. Steinmetz said that the Town has an existing condition there that satisfies State DOT requirements for a traffic light and he sees this project as contributing to that need and, therefore, is willing to contribute.

Mr. Steinmetz showed renderings of the proposed rental buildings that he feels are unique and attractive and not found elsewhere in Yorktown. They will make a similar presentation to the Planning Board later in the month, delving into more specifics like stormwater, grading, cuts and fill, aesthetics, etc. He asked the Board if there is anything more the Town Board would like to see addressed.

Town Engineer Michael Quinn said this will be part of the County sewer system. The Town of Cortlandt would have to be notified and agree to this. Once there are rough flow rates, our infrastructure can be looked at – this should be looked at earlier rather than later. Mr. Villareal said Mr. Quinn had requested this information and they will get it to him shortly. There are DEC regulated wetlands on the property and a 100-foot setback. This project has no direct wetland impact – they have also designed it so there is no buffer disturbance, as well.

Councilman Lachterman announced the Chamber of Commerce's Spring Fest on April 13, from 12:00-6:00 p.m. on the grounds behind the firehouse. Supervisor Gilbert mentioned that this even is also co-sponsored by the Town of Yorktown. Sergio Esposito, Chamber of Commerce President, said new posters were printed which list the Town of Yorktown as co-sponsor. Mr. Esposito spoke of some of the activities that will be at Spring Fest.

REQUEST FOR STORM WATER MANAGEMENT PERMIT – ALLAN AVENUE - PHIL SANDERS

Mr. Phil Sanders, RPG Properties and permit applicant, and Town Engineer Michael Quinn came before the Board to discuss the permit. Mr. Sanders said the storm water and earth movement issues were addressed by engineer Joe Riina (Site Design Consultants) at a previous meeting. He said the project was put into abeyance because there was an Article 78 against them that has since been settled and ruled in their favor. They now are in the next step where Mr. Quinn has reviewed Mr. Riina's plans. Mr. Quinn stated that they feel that the developer has come up with a plan that is appropriate for the area. It is a difficult site to build on since there is a lot of earth to be moved (approximately 700 cubic yards).

Councilwoman Roker said she is concerned for people in the neighborhood being able to get out of the area. She asked about how trucks will get in and out. Mr. Sanders said one truck will come in at a time – there would not be a procession of tandem dump trucks. Blocking lanes will only be for a very short time. Councilwoman Roker said she would like them to hire a police officer to control traffic. Mr. Quinn said on previous projects they have requested a construction management plan that would list conditions such as hiring a police officer. Councilwoman Roker said she wants to see this as part of the resolution. Mr. Sanders said they will also be building a staging area for trucks to move on to in order to begin the work.

Highway Superintendent Dave Paganelli asked Mr. Quinn if he is comfortable that this will have no impact on the people who live on Allan Avenue. Mr. Quinn said he believes that they have done a design that is respectful; they have designed a 100-year storm water plan. Their storage will not use the Town's infrastructure.

He said that the storm water structure will need a storm water maintenance agreement that will go along with the deed that obligates the homeowner to maintain the structure. Typically, these are done for commercial properties, but since this project has so much storm water infrastructure he feels it is appropriate for the Town Board to add this requirement for this application.

Councilwoman Roker asked again if it would have any negative affect on the neighbors. Mr. Quinn said this applicant has retained a licensed professional engineer who has designed with that requirement in mind. The Town (Engineering Department) has done the review and is now satisfied the engineer/applicant met that obligation. The Town is not taking that responsibility since the applicant hired the licensed professional to assume that responsibility. He is satisfied that he has met that obligation. Bonds have been posted and the Engineering Department will be watching to make sure this all works and permits will not be closed if there are any issues that arise before, during, or after construction.

Mr. Quinn said the storm water maintenance agreement will remain in perpetuity and requires a licensed inspection each year. Supervisor Gilbert asked how does the Town deal with compliance and Mr. Quinn said the maintenance agreement does not require escrow but must comply with a yearly report. This is tracked through the Engineering Department. If the homeowner does not comply within 30 days of the date of inspection, the Town has the right to enforce requiring escrow so the Town can do the inspection. The Engineering Department has a spreadsheet with a schedule of required inspection dates in order to track the inspections.

Mr. Sanders said this will be part of the title search and the new homeowner will be made aware of the storm water maintenance agreement. This storm water and tree removal permits do not require a public hearing. The Town Board would like to see a resolution listing conditions; Mr. Quinn said one will be prepared for the next meeting.

ENVIRONMENTAL CONSULTANT

Councilwoman Roker requested that Mr. John Tegeder, Director of Planning, be present for this discussion. Since he was not present, she asked for this to be placed on a future agenda. Councilman Lachterman said he believed that they had already pinpointed potential consultants on a previous version of this evening's agenda. Town Clerk Diana Quast said that, at the request of the Town Supervisor this was removed so that a further discussion could take place. Supervisor Gilbert said this is an important matter since reports are due on June 1 and will need to be prepared. Councilman Lachterman said the environmental consultants that came out of the RFP were supposed to be brought back. Councilwoman Roker asked for a work session to be held after next week's Town Board meeting so the consultants can be brought in. Supervisor Gilbert said that it can be moved until next week for a discussion but the Board needs to make a decision and move forward. He said the individual that has done them for the past two years is ready to move forward on the reports. Mr. Quinn said a discussion next week would still give them enough time.

MOHEGAN AVENUE RETAINING WALL PROJECT

Mr. Quinn also presented the Board with the results of the Mohegan Avenue Retaining Wall Project. When questioned, Highway Superintendent Dave Paganelli said this project did not qualify for funding. Mr. Quinn said they are working with the Town Attorney and vetting some of the bidders. He said if they do decide to move forward, he questioned how they would manage oversight of the project since the Town does not have the resources. Councilwoman Roker asked how much this would cost and Mr. Quinn said he would get prices. Mr. Paganelli said for a 4-6 month project - \$50,000 to \$70,000. Mr. Quinn said to oversee a project of this magnitude his guess would be \$15,000 to \$20,000 per month. Mr. Paganelli compared this project to the previous collapse of bridges in Town.

Mr. Quinn said he would need about a week to confirm that the bidders are responsible. They will also talk to a few firms about overseeing the work. The Board discussed how this would affect Nabby Camp for the summer months and alternative traffic routes. Councilwoman Roker asked Mr. Quinn and Mr. Paganelli that when they have their plans in place, to call Ken Belfer and have him call a meeting of the Lake Mohegan residents so the plans can be explained since the residents around the lake will be inconvenienced by this project. Mr. Belfer suggested hosting an evening meeting at the library and he can reach many residents via email. Mr. Belfer said at the inception of this project they were told that there would be something installed by way of a catch basin that helps filter out phosphorous and if that is still true. Mr. Quinn said no, there is no water quality measures included in this project. Mr. Paganelli said Mr. Belfer is correct – a discussion had taken place about adding some mechanical separators but he is not sure if it made it into the final plans. Mr. Quinn said there are catch basin inserts that Mohegan Audi agreed to put these inserts into their catch basins that do require maintenance over time (maintenance done by the owner) – we could possibly add these to

the basins on the Retaining Wall project. Councilwoman Roker said that if there is anything the Town can do to lessen the amount of phosphorous that goes into the lake, it would be well worth it. Mr. Quinn agreed and said there may be grants available that he would look into. Supervisor Gilbert announced that the Town of Yorktown's division of local and school accountability is being looked at and will undergo a NYS audit. It will be to advise the Town of best practices and they will be reviewing us beginning today and the results/recommendations will be reported when they are finished.

TUITION REIMBURSEMENT – POLICE OFFICER JOHN E. DOHERTY
RESOLUTION #143

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

WHEREAS, the Yorktown Police Department would like to reimburse Police Officer John E. Doherty for courses he is taking towards his Master's Degree in Public Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay the Spring 2019 tuition, books, and fees for Police Officer John E. Doherty upon the satisfactory completion of said courses in the amount of \$1,205.69.

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

APPROVE LODGING EXPENSES FOR POLICE OFFICER TO ATTEND LAW ENFORCEMENT CONFERENCE
RESOLUTION #144

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

RESOLVED, that the Town Board approves lodging expenses of \$103.00 for a Yorktown Police Officer to attend a Law Enforcement Conference.

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

PROMOTION TO WATER METER MAINTENANCE FOREPERSON – CATHLEEN ROMANYCH
RESOLUTION #145

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

BE IT RESOLVED, that Cathleen Romanych is hereby promoted as Water Meter Maintenance Foreperson, job class code 0626-01, effective April 10, 2019, to be paid from Yorktown CSEA Salary Schedule A, Group 14, Step 2, which is \$70,318.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on April 10, 2019.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #146

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

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

From:

A1990.499.1 General Fund – Contingency Capital \$28,455.00

To:

A5182.200 Street Lighting - Equipment \$28,455.00

for the installation of replacement of traffic signal heads and wiring at the intersection of Veterans Road and Commerce Street by Verde Electric.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #147

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

From:		
A909	General Fund – Fund Balance	\$23,164.23
To:		
A1420.443	Legal Settlements	\$23,164.23

for deductible payment to resident for flood damage.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR ASPHALT LAID-IN-PLACE –
HIGHWAY DEPARTMENT
RESOLUTION #148

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

Resolved, that sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on Monday, June 3, 2019, for Asphalt Laid-In-Place.

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

A discussion ensued regarding a meeting that the Supervisor held with the Yorktown Police Department, NYS DOT, and the Highway Superintendent regarding the timing of the lights on Route 202 by the new Lowe's. Councilman Lachterman and Councilman Diana said they did not know about this meeting. Supervisor Gilbert said that it was not necessary for the entire Board to attend; only those pertinent to the issue of the traffic light synchronization.

Councilwoman Roker introduced the new Traffic Safety Officer, Robert Rohr. Officer Rohr said he was looking forward to the position and working with the Board and the Traffic Safety Committee.

EXECUTIVE SESSION (Closed Session)

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss individual personnel matters and litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and the meeting was adjourned.

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