

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 21, 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 A. 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 Supervisor Gilbert, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss individual litigation, and negotiations. Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker, 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 attended the Circolo da Vinci dinner honoring Joseph J. Straci and also celebrated the many outstanding students who were being awarded scholarships.

Supervisor Gilbert also attended a moving commemoration of the anniversary of the Battle of Pinesbridge honoring the brave men who participated in that bloody battle and whose brave actions helped create our new republic. He said it was appropriate to not only honor the role of African American, Native American and Colonial soldiers who fought the battle on May 14, 1781 with a monument but it was important that we reflect each year on the fact that people from all backgrounds contributed to the founding of our nation and its growth. He said that this was also a time to thank those who contributed to the plaza around the monument by purchasing bricks. The Supervisor also said that in an era when statues are being removed when deemed offensive and hurtful in nature to large segments of the population, he is proud to be the supervisor and live in a town that erects statues that represent liberty, bravery, humanity, freedom, and equality for all. Supervisor Gilbert said it was great to come together as a community to celebrate our diversity and freedom.

Supervisor Gilbert attended the East of Hudson Watershed Corporation meeting. Yorktown proposed that the member communities work together to apply for grants from NYS Department of Environmental Conservation under the Water Quality Improvement Program for storm water mapping. Supervisor Gilbert said he believes that by working together the Town will have a better chance of acquiring the funding for this program and for subsequent grants.

Supervisor Gilbert announced that training of town employees in AED (Automatic External Defibrillator) and CPR (cardiopulmonary resuscitation) commenced last week. Additional sessions will be held. The training was conducted at the Yorktown Volunteer Ambulance Corps. He also announced that the Yorktown Volunteer Ambulance Corps is still looking for a few more individuals to join their ranks. Training will be provided.

Supervisor Gilbert announced the grand opening of this past Saturday of Dolce Vita, a beautiful café, brought to the town by a local Yorktown family.

Supervisor Gilbert said the Jefferson Valley Mall has introduced a series of live music and other events at the mall. You can find these events on the Town's website under the calendar and on the Mall's own website.

Supervisor Gilbert announced that Con Edison will be working in the area of Gomer Street between Farm Walk Road & Sterling Place on a gas construction project. This project just started and is projected to take approximately six (6) weeks. Material and supplies will be stored along the roadways in some areas. If Con Edison conducts any excavation on the sidewalk, driveway or lawn area of any resident, they are required to restore the area. If residents have questions about the work, or private facilities buried in your lawn, such as sprinkler lines or electric dog fences, you may reach CustomerQuestions@coned.com. If gas service to your house needs to be temporarily interrupted, Con Edison is required to notify you in advance. To restore service Con Edison will need access to your home and will work with you to accommodate your schedule. If you are not home when work is completed and need your service restored, or have questions about landscaping or paving restoration after the work is completed, please call 1-800-75-CONED (1-800-752-6633) referencing job identification number WG19004524. Supervisor Gilbert said to please note that there is usually a delay between the end of the project and the final landscaping or paving restoration, which is completed by different contractors.

Supervisor Gilbert announced that the Yorktown Land Trust is celebrating the 50<sup>th</sup> anniversary of the Turkey Mountain Nature Preserve. The park has been enjoyed by thousands of citizens seeking nature study, hiking opportunities and unsurpassed views from its 831-foot summit – the highest in Yorktown.

Supervisor Gilbert announced the following upcoming events, including a number of events planned for Monday, May 27<sup>th</sup> in honor of Memorial Day:

- The Mohegan Lake Fire Department will hold a Memorial Day Service at 10AM at the Shrub Oak Honor Roll located on East Main Street between the John C. Hart Library and the Shrub Oak School now the Lakeland Administration Building in Shrub Oak.
- A Memorial Day Parade sponsored by American Legion Post #1009 will start with a short ceremony at 11:00 AM at the memorials located at Patriot Park behind Town Hall. The Parade itself will start from Town Hall at 11:15AM and conclude at the John DeVito Gazebo located adjacent to the Albert A. Capellini Community & Cultural Center on Veterans Road.
- Information will be given by Yorktown Police Department on May 29<sup>th</sup> from 7 to 9 pm at Elizabeth Ann Seton gym on Civilian Response to Active Shooter Events. This is an important session that I encourage all to attend.
- The Yorktown Small Business Association is announcing the 3rd Annual Small Business Symposium to be held at Mercy College's Yorktown campus on May 29, 2019 between the hours of 8am and 12pm. This year's theme is entrepreneurship with a spotlight on women and minorities in business. Meet local elected officials, business owners, entrepreneurs, and area resources for small business. A continental breakfast, engaging and informative speakers including keynote speaker Westchester County Executive George Latimer, networking, workshops, and a light lunch. For additional information, visit the YSBA website at [www.yorktownsba.com](http://www.yorktownsba.com) or contact Bob Giordano at [info@yorktownsba.com](mailto:info@yorktownsba.com) or 914-874-4347.
- Yorktown Lions Club will be hosting its "Mulligans & Margaritas" outing at the Centennial Golf Club on June 5: 10:00 AM registration, 11:00 AM lunch, 12:30 PM shotgun start.
- Graduating seniors from seven high schools will be honored on Friday, June 7 at Yorktown Town Hall when the Justin Veatch Fund presents each of them with \$1,000 music scholarship.
- The Senior Advisory Committee Meeting scheduled for June 21<sup>st</sup> is being rescheduled for June 28<sup>th</sup> due to the Primary on June 25<sup>th</sup> as voting machines will be in place in the Boardroom.

#### DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana reminded everyone of the start times for the Memorial Day Events. He said he also attended the Pinesbridge Monument dedication and remarked how this was truly a group effort. The monument is something of which we can all be proud.

Councilwoman Roker commented that when visiting the monument, people really need to stand in front of it to get the full experience and understanding of its significance.

Councilman Patel quoted: “Success will never lower its standards to accommodate you, you must raise your standards to achieve success.” He then spoke about the new computers that IBM is working on and how the younger generation must know about such things because it is their future. He also spoke about his visit to Washington, D.C. and how he and his family visited the gravesite of Captain Clayton Carpenter, a Cortlandt Manor native and someone familiar to his family, who was killed during a helicopter training exercise in 2014. He said that Captain Carpenter, and those like him, are who he will remember on Memorial Day.

Councilman Lachterman thanked those who volunteered on the Pinesbridge Monument, particularly those Town employees who pitched in. He mentioned that he and his wife were guardians on the Hudson Valley Honor Flight out of Westchester Airport. Veterans go to Washington, DC accompanied by guardians and are “welcomed home” at Reagan Airport in thanks for their service. They are also welcomed back upon their return to Westchester. Councilman Lachterman related stories of the veterans he and his wife were guardians to on the flight.

Councilman Lachterman said that after the Memorial Day Parade, residents are invited back to the American Legion Hall where the Legionnaires, Lions Club, and Sons of the American Legion will be cooking hot dogs. Sons of the American Legion will be doing their last breakfast fundraiser for veterans before the summer break. It will be held on June 2, 9:00 am. to 11:00 a.m.

Supervisor Gilbert spoke about his daughter’s participation as a past guardian on the Hudson Valley Honor Flight.

#### DURING REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli reported that Con Edison is doing some “storm hardening” in the Town. Over the next two months, they will be putting in 160 new utility poles, which will be installed by Northline Utilities and the Town is expecting many delays on the roads where the installations are happening. Today they were working on Hunterbrook Road and Jacob Road. He said the Town will be notified where they will be working. Residents should call the Highway Department if there is a problem.

Nelson Tree is working for NYSEG this summer in removing trees that are in danger of taking down power lines.

Mr. Paganelli said he attended the Westchester County Eco Award Ceremony and accepted an award on behalf of the Town Board that was presented for the Town’s assisting in the cleanup of organic waste resulting from the series of storms during March of 2018. The Town Board and Mr. Paganelli waived fees for commercial entities to be able to get rid of residents’ trees and the Town facility.

#### PRESENTATION

Robert Noble, Chief of Police, came before the Board to present the promotions of Sergeant Matthew Racioppo and Sergeant Sam Sansone.

Chief Noble gave brief biographies of both sergeants, as well as their accomplishments and current assignments.

Town Clerk Diana Quast swore both officers in and each thanked the Town Board, their families, and their fellow officers.

Chief Noble thanked the Board and the community for their support. He also addressed the men and women of the Yorktown Police Department and thanked them for coming out to support their fellow officers. He also mentioned that six members of the force participated in the Unity Tour recently and rode 300 miles over four days (bicycle, motorcycle, and one truck) to raise \$27,000 for the Law Enforcement Memorial Wall in Washington, D.C. Police Officer Samantha Guilbert, Officer Dan Kaen, and Sergeant Sam Sansone (on bicycles), Detective Jay

Swart, Sergeant Paul Dillon (on motorcycles), and Sergeant Mark Rapisarda (assistance truck) were those who participated.

Chief Noble also announced the recent Coffee with A Cop, and a June 8 baseball game against local children as community activities in which they participate.

#### POET LAUREATE

Poet Laureate John McMullen read his poem, "World War II Baby," which enumerated the number of lives lost during wars.

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Sergio Esposito, President of the Yorktown Chamber of Commerce, promoted the Cops vs. Kids baseball fundraiser game, which will be held on June 8 at Granite Knolls Recreation and Sports Complex beginning at 5:00 p.m. There will be a cookout, as well. All monies raised will go to local families in Yorktown who have a child with a life threatening illness to send them to Camp Sunshine where they are paired up with families who are going through the same situation. Mr. Esposito mentioned that it costs \$2,500 per family to attend the camp, and last year they were able to sponsor 3 families.

Mr. Tony Grasso, resident, spoke about Chief Noble and Lt. Gentner and the great things they have accomplished. He thanked the Board for their support in completing the Pinesbridge Monument and how proud we should all be of those who risked their lives so we can exercise our freedoms.

Mr. John Schroeder, representing Yorktown Land Trust, reminded all that, in conjunction with the Parks and Recreation Department, they will be celebrating Turkey Mountain's 50<sup>th</sup> Anniversary on June 1<sup>st</sup>. He said they are on uncharted territory with this event since they have not had such a large celebration at the location. He asked if people would carpool; if you are hiking bring water, and reminded all that it is tick season. Dogs are not allowed. He requested that Dave Paganelli complete the roadwork at Turkey Mountain in time for their award ceremony.

Ms. Jane Daniels, representing Yorktown Trail Town, is the project manager for the volunteers who have now constructed over 600 feet of boardwalk and 3 bridges at the Route 118 connecting trail. She said she is particularly proud of the students who came to help and expressed their enjoyment at being part of a team. The construction was completed at no cost to the Town through discounts from Lakeland Lumber and donations from Hudson Valley Greenway grant, 2 private foundations, and 3 private individuals. Mrs. Daniels announced National Trails Day on June 1 and invited people from 9:00 a.m. to 11:00 a.m. to view the new trails. They are looking forward to a September ribbon cutting and final connection to FDR Park.

Ms. Theresa Kelly, resident, came to hear about the one-way proposed for Underhill Avenue. She said today for the third time in a year and a half a tractor-trailer pulled wires down in front of her home. She has repeatedly reported this and Dave Paganelli stated that Underhill is a weight restricted road and no tractor-trailers should be on it. She is also concerned that since this is a walkable section that someone will be seriously injured. Councilman Diana said he would call the Chief to ask for more observance of the weight restrictions on the road. Ms. Kelly and Mr. Paganelli discussed potential solutions to the problem, including having lines put up at the regulation 13'6" height.

Mr. Marc Lieberman, resident, thanked Dave Paganelli for all of the repair and repaving efforts. He also thanked Supervisor Gilbert and the Board for allocating the money for the repairs.

Mr. John Settembrino, resident, thanked the board for their service to the community. He thanked Dave Paganelli and his department for all of the recent road repairs. He thanked Jane and Walt Daniels for all of their work on the trail – as a trail volunteer, he said it has been amazing to watch their work. Mr. Settembrino also thanked the Board for his reappointment to the Open Space Committee. He said he is concerned about the ballfield on

Curry Street – it is a useless swamp. He feels that Superintendent of Parks and Recreation, Todd Orłowski, is wasting a tremendous amount of time and money mowing useless land. He would like to know if the Town would consider making this area open space. Supervisor Gilbert suggested that maybe the Board could do a site visit to the location with Parks and Recreation.

Mr. Dan Strauss, resident, said he has a plan that would have remedied Ms. Kelly's problems on Underhill and the tractor-trailers. He does not believe the Town Board has a good handle on what is actually going on in Yorktown.

Ms. Susan Siegel, asked for help in resolving an issue regarding the Ethics Law and the Ethics Board. She said that this has been an issue since July of 2018 and has not been addressed. Ms. Siegel said she has never gotten a response. After ten months she has no idea if the Ethics Board is investigating her complaint. She would like to know what is taking them so long to decide a very straight forward issue of a former town official violating the revolving door clause. Mrs. Siegel would like to know if it would be possible to meet with the Ethics Board or the chair in a closed session to see if they are having issues in resolving complaints. She suggested that a clause be added to the Ethics Law that stipulates responses need to be made within a reasonable amount of time.

Ms. Siegel also announced Jane & Walt Daniels are the recent recipients of the Distinguished Citizen Planner Award from the Westchester Municipal Planning Federation.

Mr. Kevin Burns, resident, spoke about the park on Curry referred to by Mr. Settembrino. He said people actually use that park, including himself and his children. He said the backstop should be fixed, not removed. His Boy Scout troop holds their annual baseball game there, and he would not want the Board to do anything hasty.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor closed.

Councilwoman Roker announced that the proposed traffic laws on the agenda will not be discussed this evening but reconvened at a later date. Board members and Highway Superintendent discussed the problems in that area, as well as the BOCES buses using the road as an egress.

Councilman Lachterman, in response to Mrs. Siegel, said he also had a complaint that took 18 months. He said they do have an issue with resources, but they are doing their job and he thanked them for their work. Councilman Patel and Councilman Lachterman had a discussion regarding anonymity and ethics complaints.

#### PUBLIC HEARING FOR PROPOSED LOCAL LAW AMENDING CHAPTER 280 "WATER" TO CHANGE WATER RATE SCHEDULE FOR THE YORKTOWN CONSOLIDATED WATER DISTRICT

Supervisor Ilan Gilbert convened a public hearing to consider amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER," by amending Section 280-31(E)(1) through (6) to change the Water Rate Schedule for the Yorktown Consolidated Water District.

Distribution Superintendent of the Water Department, Ken Rundle, made a comprehensive presentation supporting the need for an increase in the water rates.

Councilwoman Roker asked for the presentation to be put on the Town's website because it is very comprehensive. Highway Superintendent Dave Paganelli said the Town is addressing one year of rate of increase and suggested that the Board may want to consider a pass through rate so that Mr. Rundle does not have to keep coming back to the Board for increases. Mr. Rundle said that a pass through is in place but it only keeps pace with the cost of water – not projects.

Councilman Diana asked what the percentage of increase would be and Mr. Rundle said it amounts to a 14.4% increase. Mr. Rundle said he would rather repair the Town's existing tanks than have to replace them because they were not salvageable. Councilwoman Roker said there are many factors – not just the cost of water – for example, the Town pays the Northern

Westchester Joint Water Works (NWJWW) approximately \$900,000 per year and that is not a cost that will decrease; only increase.

Mr. Jay Kopstein, resident, queried if Mr. Rundle will need to come back to the Board every year with an increase or should a pass through increase be done, or to make the increase higher. He asked if Yorktown is using their tanks to support other towns that are in the water system. Mr. Rundle replied that some of the Town's tanks do support other towns (ex., Mohegan may support Cortlandt). Mr. Kopstein stated that Yorktown consistently gets ripped off by the Town of Cortlandt and asked why we cannot charge them. Mr. Rundle said it is only a handful of residents (less than 100).

Mr. Tony Grasso, resident, stated that back in the 1980's the Town did cement lining of the mains and it should be an ongoing project. He believes this proposed increase would be a hardship for the over 6400 seniors in the town. The Town Board should consider bonding some of these projects. He does agree that everyone should pay his or her fair share. He also suggested that Mr. Rundle's presentation should have been made available to the public beforehand.

Mr. Matt Slater, resident, said he agrees with Mr. Grasso in that Ken's report should have been given to the audience. He asked if this is a true rate increase and wanted to know why it was not addressed during the budget process. He also wanted to know the priority of the proposed projects. He also asked what the true fund balance is. Councilwoman Roker said this increase will only help the department to break even, not get ahead.

Ms. Susan Siegel, resident, cautioned about bonding projects because they can become expensive. Water usage is something that people can control – she understands it may be expensive, but people have control over this. She spoke on “fair share” based on usage – commercial meter testing needs to be kept up to date; many of these meters are old which run slow, which means the Town is losing money. She said the Town has about 350 commercial accounts that should be noticed to have their meters tested.

Councilwoman Roker said there was a meeting with Senator Harckham and they asked if he would sponsor legislation to take infrastructure improvements out of the tax cap equation. Supervisor Gilbert said Senator Hackham said he would be interested. Supervisor Gilbert also said that bonding does increase the cost to the taxpayers. A bond spread out over 20 or 30 years would be less but it is still another increase. He said the only way we can get infrastructure dealt with is to eliminate it from the cap. However, it will still be an increase on water usage.

Councilman Lachterman said that it is important to have a plan, such as Mr. Rundle's, and that the money in the Fund Balance should be used for these projects. He said nothing has been done since 2002 (capital projects).

Councilman Diana asked where the fluoride project is right now and Mr. Rundle said it is in the engineering stage. It is expected to be \$900,000 to \$1 million. Councilwoman Roker said Mr. Rundle could not buy anything because the money has been encumbered.

Mrs. Siegel said that actually the last capital project was begun in 2010-2011 when the Town Board started the new water meter project. The cost was over \$1 million to do the basic infrastructure that was designed to include all 10,000 water customers. The Town did about 2,500 residents and then the project was stopped in 2012. Councilman Patel said there were issues with a part in the new meter. Mrs. Siegel said money in the fund balance was going to be used for a capital project that had long-term benefits and that is what a fund balance should be used for – not to cover an operating deficit.

Mr. Tony Grasso said the Town has to take the right steps to make the right decisions. The Town needs to move forward on this and not look back.

Councilwoman Roker said that in order to consider the suggestion of putting language in the code to increase the rates over time, since this qualifies as a substantial change, the Board should adjourn the hearing in order to do this.

Councilman Lachterman asked if this could actually be done. He suggested that maybe the Town Board should be looking at a three or a five-year plan.

Supervisor Gilbert stated that, although he thinks this is a good idea, the Water Department cannot wait five years to catch up to a rate that would put the department in good shape.

Councilman Lachterman said it can be a high rate at first and then lower over time. He said it could be put in place for a certain number of years and then put under review.

Councilwoman Roker said Mr. Rundle is dealing not just with the cost of the water rates, he is dealing with the fact the tax rate was cut in half.

Mr. Jay Kopstein said that on the water bill you have a NYC surcharge that equals a pass through. If you increment that surcharge to generate revenue that is not part of the pass through, the statement becomes disingenuous.

Ms. Susan Siegel said the Board should pass the increase for tonight. At budget time, which is a good time to look ahead, advertise a hearing for another increase at the same time as advertising for a budget hearing.

Mr. Matt Slater asked how much the 14% will get for the water district. Mr. Rundle said the revenue is estimated at approximately \$650,000 for the average user.

Supervisor Gilbert asked the board what they wanted to do and Councilman Lachterman suggested adjourning so the Town Board can put another plan in place.

Town Attorney Richard Abbate asked what plan Councilman Lachterman was referring to. A plan of what infrastructure to work on or a plan to increase the rates. He said that if the Board wants to tie the rates so they never have to address the issue again, it becomes very difficult to build in pass through rates into the code. An exact formula has to be derived based on some number and there are too many unknowns.

Councilman Lachterman said if the Town were to go with the 90 cent increase now and then look at it in January of 2021 with a 25% increase to try to bring our number up closer to what our neighbor in Cortlandt is paying (who is buying the same exact water and spending less money on it because they are not fluoridating it and they are selling it for more). He said the Town should have a goal to bring itself closer to that number without shoving down a huge number increase on our senior population.

Highway Superintendent Dave Paganelli said that the Town should take the hit once and create a formula that every year the Town moves forward on. He agreed with Mr. Kopstein that a pass through approach would be disingenuous.

Supervisor Gilbert said that if the Town raises revenues to \$650,000 with this increase, the Town may still not have enough for large projects but can chip away at other projects.

Mr. Rundle said that any type of financial hit is hard. But many bills go up – cable, phone, etc. He said that raising it incrementally is a little less painful for the residents.

Mr. Abbate said that there is no formula to be derived because you do not know what your capital projects will be, you do not know what your expenses or budget will be from year to year. This needs to be reviewed every year.

Councilwoman Roker stated that she believed the Town Board should pass this increase so that Mr. Rundle is assured of this money. Mr. Abbate said the Water District literally has almost no money at this point. He said when he met with Mr. Rundle, he said that a backhoe was needed which cost \$130,000. They looked at a payment plan of 5 years, which is approximately \$25,000 per year and the Comptroller told them they did not have \$25,000 available. Mr. Abbate said this problem needs to be addressed and moved forward now.

Councilman Lachterman said that increases should still be built in.

John McMullen, resident, asked the board to vote on this now.

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

LOCAL LAW NO. 2 OF 2019 TO AMEND CHAPTER 280 OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED "WATER," BY AMENDING SECTION 280-31(E)(1) THROUGH (6) TO CHANGE THE WATER RATE SCHEDULE FOR THE YORKTOWN CONSOLIDATED WATER DISTRICT.

Upon motion made by Councilwoman Roker, seconded by Councilman Patel

WHEREAS, a public hearing was held on June 5, 2019 pursuant to notice duly published as required by law to amend Chapter 280 of the Code of the Town of Yorktown as follows:

E. Water rate schedule for the Yorktown Consolidated Water District. A graduated water rate schedule is established to promote water conservation. Under the graduated water rate schedule, the charge for each unit consumed increases with consumption. The purpose of this graduated rate schedule is to combat the recurrent water shortages experienced by the Town of Yorktown and other area municipalities. The graduated water rate schedule will encourage water consumers, particularly the large consumers, to curtail their water usage, benefitting the general welfare of all consumers of water in Yorktown and area municipalities. The rate schedule shall be as follows:

- (1) Consumers of 9,000 gallons of water or less per billing period:
  - (a) Inside district: \$64.35 plus the annual percentage increases in the New York water rate (NYR) and the Northern Westchester Joint Water Works Consumption rate (NWJWW rate) charged for 9,000 gallons or portion thereof.
  - (b) Outside of district: \$128.70 plus the annual percentage increases in the NYR and the NWJWW rate charged for 9,000 gallons or portion thereof.
- (2) Consumers of more than 9,000 gallons of water per billing period up to but not including 250,000 gallons of water per billing period:
  - (a) Inside district: \$64.25 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$7.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
  - (b) Outside of district: \$128.70 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$13.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
- (3) Rates for moderate consumers.
  - (a) Consumers of 250,000 gallons of water per billing period up to but not including 500,000 gallons of water per billing period
    - [1] Inside district: \$7.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
    - [2] Outside of district: \$14.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
  - (b) Consumers of 500,000 gallons of water per billing period up to but not 750,000 gallons of water per billing period:



[1] Inside district: \$8.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$15.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (c) Consumers of 750,000 gallons of water per billing period up to but not including 1,000,000 gallons of water per billing period:

[1] Inside district: \$8.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$16.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (d) Consumers of 1,000,000 gallons of water per billing period up to but not including 1,250,000 gallons of water per billing period:

[1] Inside district: \$9.15 per every 1,000 gallons of water thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$17.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (e) Consumers of 1,250,000 gallons of water per billing period up to but not including 1,500,000 gallons of water per billing period:

[1] Inside district: \$11.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$22.31 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (4) Rates for moderate to large consumers.

- (a) Consumers of 1,500,000 gallons of water per billing period up to but not including 1,750,000 gallons of water per billing period:

[1] Inside district: \$10.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$20.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (b) Consumers of 1,750,000 gallons of water per billing period up to but not including 2,000,000 gallons of water per billing period:

[1] Inside district: \$10.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$19.40 per every 1,000 gallons of water or portion thereof

plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (c) Consumers of 2,000,000 gallons of water per billing period up to but not including 2,250,000 gallons of water per billing period:

[1] Inside district: \$11.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$20.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (d) Consumers of 2,250,000 gallons of water per billing period up to but not including 2,500,000 gallons of water per billing period:

[1] Inside district: \$11.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$22.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof

- (e) Consumers of 2,500,000 gallons of water per billing period up to but not including 2,750,000 gallons of water per billing period:

[1] Inside district: \$12.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$23.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(5) Large consumers.

- (a) Consumers of 2,750,000 gallons of water per billing period up to but not including 3,000,000 gallons of water per billing period:

[1] Inside district: \$12.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$24.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (b) Consumers of 3,000,000 gallons of water per billing period up to but not including 3,250,000 gallons of water per billing period:

[1] Inside district: \$13.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$25.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

- (c) Consumers of 3,250,000 gallons of water per billing period up to but not

including 3,500,000 gallons of water per billing period:

[1] Inside district: \$13.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof

[2] Outside of district: \$26.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 3,500,000 gallons of water or greater per billing period:

[1] Inside district: \$14.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$27.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof. (6) Bulk hauler rate.

(a) All bulk hauler purchasers of water shall pay \$37.18 per 1,000 gallons. Minimum bulk hauler purchase shall be deemed to be 1,000 gallons.

(b) For purposes of this section, the quantity of water purchased shall be measured by the full capacity of the equipment used to haul such water. The water shall be taken solely from a designated hydrant under the control and conditions of the Water Superintendent or his authorized representative.

(c) Wholesale rate for other municipalities by contract; other out-of-district rates at double the amount; ten-percent penalty charge after due date.

(6) The Water Department may elect, upon request, to provide non-emergency repair or maintenance services to private complexes. Water Department responsibility to repair or maintain waterlines and equipment ends at the property line of the private complex. In the event the Water Department determines that an emergency does exist and immediate action is necessary, the Water Department may provide service. The charge for emergency or non-emergency service shall be the actual cost of labor and material, plus an additional Administrative Fee of 15%. The minimum charge for service is \$350.00.

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

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

Local Law #2 of 2019 is hereby duly adopted.

PROPOSED LOCAL LAW AMENDING CHAPTER 275-17E(2) REDUCING THE SPEED LIMITS IN PARK ZONES FROM 25 MPH TO 15 MPH AND AMENDING CHAPTER 275-11(C) MAKING UNDERHILL AVENUE FROM HANOVER STREET TO ITS INTERSECTION WITH SUMMIT STREET ONE WAY

Supervisor Ilan Gilbert convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article 1, entitled "Traffic and Parking Regulations," Section 275-17E(2) by amending the speed in Park Zones to 15 miles per hour and to consider amending Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article 1, entitled "Traffic and Parking Regulations," Section 275-11C by making Underhill Avenue from Hanover Street to its intersection with Summit Street one way.

Highway Superintendent David Paganelli asked that this public hearing be put on hold in order to obtain more information from Dr. Phil Greeley who is doing the traffic study (Underhill Avenue portion). As far as the speed zone portion of the proposed local law, they do not want to address it as an entire park zone issue – they do not want it to appear to be a “speed trap.” Mr. Paganelli said that, with respect to the Traffic Safety Committee, they will be inviting residents in to Town Hall to meet with the Committee to voice their concerns in person. Councilwoman Roker stated that a public notice will be published when a date has been set.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR FINE MILLING OF BITUMINOUS CONCRETE HIGHWAY DEPARTMENT RESOLUTION #213

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

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 11:00 A.M. on June 10, 2019 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Fine Milling of Bituminous Concrete with Operator/Groundman, Trimmer, Skid Steer, Water Truck and Sweeping.

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

AUTHORIZE COMPTROLLER TO PROCESS THE BUDGET TRANSFER FOR TRAFFIC SIGNAL HEADS RESOLUTION #214

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to process the following budget transfer:

From:		
A1990.499	General Fund – Contingency	\$62,000.00
To:		
A5182.200	Street Lighting - Equipment	\$62,000.00

for the installation of replacement of traffic signal heads and wiring at the intersection of Hanover Road and Moseman Road by Verde Electric.

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

AUTHORIZE COMPTROLLER TO PAY FRANKLIN O’CONNOR THE CASH VALUE OF UNUSED TIME RESOLUTION #215

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Franklin O’Connor the cash value of unused time as of his retirement date:

Rate of Pay:	\$37.2041	
Sick	1500.00 hours @ 50%	= 750.00 hours
	750.00 hours x \$37.2041	= \$27,903.07
Vacation	67.14 hours x \$37.2041	= \$ 2,497.88
Personal Days	22.50 hours x \$37.2041	= \$ 837.09
Floating Holidays	15.00 hours x \$37.2041	= \$ 558.06

Longevity \$1,600 / 261 days = \$6.13 per day 6/15/18 to 4/26/19 = 225 days  
225 days x \$6.13 = \$1,379.25

Total \$33,175.35

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

YS909.8 Sewer Fund Reserve for Employee Accrued Benefits	\$27,903.07
YS8130.101 Sewer Salary	\$ 3,893.03
YS8130.106 Sewer Longevity	\$ 1,379.25

To:  
 YS8130.108 Sewer Lump Sum Payments \$33,175.35

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

AUTHORIZE COMPTROLLER TO PAY TERRENCE DEVEAU THE CASH VALUE OF UNUSED TIME  
RESOLUTION #216

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Terrence Deveau the cash value of unused time as of his retirement date:

Rate of Pay:	\$22.1992		
Sick	1500.00 hours @ 50%	= 750.00 hours	
	750.00 hours x \$22.1992	= \$16,649.40	
Vacation	231.00 hours x \$22.1992	= \$ 5,139.11	
Personal Days	13.00 hours x \$22.1992	= \$ 288.59	
Floating Holidays	13.00 hours x \$22.1992	= \$ 288.59	

Longevity \$1,600 / 261 days = \$6.13 per day 2/13/19 to 4/26/19 = 53 days  
 53 days x \$ 6.13 = \$324.89

Total \$22,690.58

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
A909.8	General Fund Reserve for Employee Accrued Benefits	\$16,649.40
A6772.101	Nutrition Salary	\$ 5,716.29
A3772.106	Nutrition Longevity	\$ 324.89

To:  
 A6772.108 Nutrition Lump Sum Payments \$22,690.58

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

AUTHORIZE COMPTROLLER TO PAY MICHAEL ZAICEK THE CASH VALUE OF UNUSED TIME  
RESOLUTION #217

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Michael Zaicek the cash value of unused time as of his retirement date:

Rate of Pay:	\$60.319 hourly		
Vacation	232.00 hours x \$60.319	= \$13,994.00	
Personal Days	32.00 hours x \$60.319	= \$ 1,930.20	
Comp Time	13.64 hours x \$60.319	= \$ 822.75	
Holiday Pay	36.80 hours x \$60.319	= \$ 2,219.74	

Longevity  
 11/6/18 to 4/27/19 totals 128 days \$2,425 total longevity / 261 days = \$9.29 per day  
 \$9.29 x 128 = \$1,189.12 total longevity earned \$ 1,189.12

Total \$20,155.81

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
A3120.102	Salary – Uniform	\$20,155.81
To:		
A3120.108	Police Lump Sum Payments	\$20,155.81

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

AUTHORIZE BOND RELEASE FOR ARUNDELL - #BSWPPP-013-18 – SUNNY RIDGE ROAD  
RESOLUTION #218

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

WHEREAS, Paul Arundell as applicant, posted check #119 in the amount of \$250 which was deposited to the T33 account on April 25, 2018.

Two Hundred Fifty Dollars of this money was posted to serve as the Performance Bond for construction of a pool at 1290 Sunny Ridge Road.

Paul Arundell has requested his money be released as the site is now complete.

The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above-referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. Paul Arundell, 1290 Sunny Ridge Road, Yorktown Heights, NY 10598.

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

EXECUTIVE SESSION

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

ADJOURN MEETING

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

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